BRUNELLE & HADJIKOW, P.C. George Brunelle (GB-3900) Timothy Kebbe (TK-6300) One Whitehall Street - 18th Floor New York, New York 10006 Telephone: (212) 594-5300 Facsimile: (212) 809-3219 Attorneys for James H. Cohen Special Trust and other Investor-Claimants Captioned Below UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK SECURITIES INVESTOR PROTECTION Adv. Pro. No. 08-01789 (BRL) CORPORATION, Plaintiff, **SIPA** Liquidation v. BERNARD L. MADOFF INVESTMENT SECURITIES LLC, Defendant. In Re: Objection to the Trustee's Determination of Claim with Respect to THE SPECIAL TRUST'S & **INVESTOR-CLAIMANTS'** JAMES H. COHEN SPECIAL TRUST, **EXHIBITS IN SUPPORT OF** MORRIE ABRAMSON, THEIR OBJECTIONS BARRY E. KAUFMAN, TO THE TRUSTEE'S JAMES H. COHEN, **DETERMINATION OF CLAIM** ROBYN C. BERNIKER, ALAN D. GARFIELD, MARION TALLERING-GARFIELD, ERIN M. HELBERG, THE MARIAN COHEN 2001 RESIDENCE TRUST, and BK INTEREST, LLC, **Investor-Claimants** 

# **INDEX OF EXHIBITS**

EXHIBIT	DESCRIPTION
. 1	Agreement and Declaration of Trust (the "Trust Agreement") for the James H. Cohen Special Trust (the "Special Trust"), made on April 11, 2003.
1(a)	First Amendment to the Trust Agreement, dated December 17, 2004.
2	The Special Trust's executed account opening documents with Bernard L. Madoff Investment Securities LLC ("BLMIS").
2(a)	BLMIS Monthly Account Statements for the Special Trust: March 31, 2003; January 31, 2008 - November 30, 2008.
3	Investors in BLMIS; deposits to the Special Trust's Fidelity Account (No. Z43-307793); amount of initial investments and stated value of investments with BLMIS on November 30, 2008.
4	The Special Trust's account opening documents with Fidelity Investments.
4(a)	Special Trust checks, written on the Special Trust's Fidelity account, and payable to BLMIS in the total amount of \$3,858,200.
5	A \$650,000 check payable to the Special Trust; Fidelity account statement (May 1-May31, 2003); BLMIS account statement (May 31, 2003) reflecting Morrie Abramson's \$650,000 investment with BLMIS.
6	A \$500,000 check payable to the Special Trust; Fidelity account statement (May-May31, 2003); BLMIS account statement (May 31, 2003) reflecting Barry Kaufman's \$500,000 investment in BLMIS; wire transfer records (June 28, 2007 and December 28, 2008); Fidelity account statements (July 1-July 31, 2007 and December 1-December 31, 2007); BLMIS account statements (June 30, 2007 and December 31, 2007) reflecting further investments in BLMIS by Mr. Kaufman in the following amounts: \$150,000 and \$100,000.
7	A \$650,000 check payable to the Special Trust; Fidelity account statement (May1-May31, 2003); and BLMIS account statement (May 31, 2003) reflecting James H. Cohen's investment with BLMIS.

EXHIBIT	DESCRIPTION
_ 8	Separate checks issued by Robyn C. Berniker (\$125,000), Alan Garfield (\$125,000), Marion Tallering-Garfield (\$125,000) and Erin Hellberg (\$125,000), each check payable to the Special Trust; Fidelity account statement (January 1-January 31, 2005); BLMIS account statement (December 31, 2004), reflecting Ms. Berniker's, Mr. Garfield's, Ms. Tallering-Garfield's and Ms. Hellberg's \$125,000 investments with BLMIS.
9	Mr. Garfield's two \$100,000 checks payable to the Special Trust; Fidelity account statements (April 1-April 30, 2005 and December 1-December 31, 2006); BLMIS account statements (April 30, 2005 and December 31, 2006) reflecting Mr. Garfield's two additional \$100,000 investments in BLMIS.
10	Two \$100,000 checks payable to Ms. Berniker, which she authorized to be deposited in the Special Trust's Fidelity account; Fidelity account statement (June1-June 30, 2005); BLMIS account statement (June 30, 2005), reflecting Ms. Berniker's additional \$200,000 investment with BLMIS.
11	Mr. Garfield's \$100,000 check payable to the Special Trust on behalf of Ms. Tallering-Garfield; Ms. Tallering-Garfield's \$100,000 check in repayment of Mr. Garfield's \$100,000 advance; Cohmad Securities Corporation account statement reflecting a \$100,000 wire transfer to Ms. Tallering-Garfield's bank to enable her to issue a \$100,000 reimbursement check to Mr. Garfield; Fildelity account statement (June 1-June30, 2005); BLMIS account statement (June 30, 2005) reflecting Ms. Tallering-Garfield's additional investment in BLMIS.
12	\$55,000 and \$103,200 checks issued on behalf of BK Interest, LLC ("BKI") payable to the Special Trust; requests for Taxpayer Identification Number and Certifications; letters from FISERV Investment Support Services, dated December 31, 2005 and December 31, 2006, reflecting the issuance of funds in the amount of \$55,000 and \$103,200, respectively; FISERV Trust Company Certificate of Resolution dated December 20, 2006; Fidelity account statements (December 1-December 31, 2005 and January 1-31, 2007); and BLMIS account statements (December1-December 31, 2006). The checks and investments were made on behalf of BKI's Qualified SEP/IRA Plan.
13	Marian Cohen 2001 Residence Trust dated September 20, 2001.

EXHIBIT	DESCRIPTION
14	Certificate of Organization of BK Interest, LLC (Filing No. 800389789) dated September 15, 2004; Articles of Organization of BK Interest, LLC. dated September 15, 2004; and Ratification and Consent in lieu of Organizational Meeting of BK Interest, LLC. dated September 15, 2004.
15	July 10, 2006 Fax cover sheet from James H. Cohen to BLMIS, Attention: Jodi Crupi, Administrator.
16	In re New Times Securities Services, Inc., 371 F.3d 68 (2d Cir. 2004).
17	Special Trust's Profit and Loss Statement, by investor, for November 2008 and the 11 months there ended.
18	May 15 <sup>th</sup> , 2003 letter from BLMIS to the Special Trust; May 16, 2003 letter from James H. Cohen to BLMIS, Attention: Jodi Crupi; undated BLMIS Account Verification Form (with attachment containing 6/30/03 handwritten note drafted by Mr. Cohen
19	June 24, 2005 letter from Ms. Hellberg to the Special Trust; \$100,000 check payable to the Special Trust; Savings withdrawal slip, signed by Ms. Hellberg in the amount of \$100,000; Fidelity account statement (June1-June30, 2005); BLMIS account statement (June 30, 2005) reflecting Ms. Hellberg's additional investment with BLMIS.
20	December 26, 2007 fax transmission from Alan Garfield to James H. Cohen; \$50,000 check payable to the Special Trust on behalf of Mr. Garfield; Fidelity account statements (December 1-December 31, 2007 and January 1-January 31, 2008); BLMIS account statement (December 31, 2007) reflecting Mr. Garfield's additional investment with BLMIS.
20(a)	December 26, 2007 fax transmission from Mr. Garfield to James H. Cohen; \$25,000 check payable to the Special Trust on behalf of Ms. Tallering-Garfield; Chase Bank statement reflecting \$25,000 withdrawal by Mr. Garfield for Ms. Tallering-Garfield's additional investment in BLMIS; Chase Bank statements reflecting Ms. Tallering-Garfield's reimbursement of the \$25,000 advance; Fidelity account statements (December 1 - December 30, 2007 and January 1 - January 31, 2008); BLMIS account statement (December 31, 2007) reflecting Ms. Tallering-Garfield's initial investment with BLMIS.

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EXHIBIT	DESCRIPTION
20(ь)	December 26, 2006 fax transmission from Mr. Garfield to James H. Cohen; \$50,000 check payable to the Special Trust on behalf of Ms. Hellberg; Chase Bank statement reflecting a \$50,000 wire transfer to pay for Ms. Hellberg's additional investment in BLMIS; Chase Bank statement reflecting Ms. Hellberg's reimbursement of the \$50,000 advance; Fidelity account statement (December 1-December 31, 2007 and January 1-January31, 2008); BLMIS account statement (December 31, 2007) reflecting Ms. Hellberg's additional investment in BLMIS; December 27, 2007 letter from Ms. Hellberg to Linda Schoenheimer regarding \$50,000 wire transfer and Cohmad Securities Corporation account statement (December 1-December 31, 2007).
21	\$300,000 check from the Residence Trust to the Special Trust; \$125,000 check from the Residence Trust to the Special Trust; Fidelity account Statements (April 1-April 30, 2005 and July 1-July 31, 2006); BLMIS account statements (April 30, 2005 and June 30, 2006) reflecting the Residence Trust's investments in BLMIS.
22	Duplicate BLMIS Monthly Account Statements for the Special Trust (sent to Barry E. Kaufman): September 30, 2003; January - November 2008.
23	Special Trust - Check Register (2003 - 2008). The Check Register segregates, among other things, deposits, checks, investments, income reinvestment, and balances by each investor-beneficiary.

08-01789-cgm Doc 391 Filed 08/27/09 Entered 08/27/09 15:17:11 Main Document Pg 6 of 190

# EXHIBIT 1

### AGREEMENT AND DECLARATION OF TRUST

THIS AGREEMENT, made the 11<sup>th</sup> day of April, 2003, between and among the undersigned parties, James H. Cohen ("Cohen"), as Beneficiary and as Trustee; Morrie K. Abramson ("Abramson"), as Beneficiary; and Barry E. Kaufman ("Kaufman"), as Beneficiary, constitutes the parties' Agreement and Declaration of Trust (the "Agreement").

In consideration of the parties' mutual promises and undertakings, as set forth in this Agreement, the undersigned parties agree as follow:

### 1. Declaration, Modification and Revocation of Revocable Trust

- (a) Cohen, Abramson and Kaufman, respectively, as individuals, hereby create a trust that will hereafter be known as the "James H. Cohen Special Trust" (the "Trust"), of which they shall each be beneficiaries (the "Beneficiaries").
- (b) The Beneficiaries hereby designate Cohen as Trustee of the Trust (the "Trustee"), and Cohen hereby agrees to act in that capacity.
- (c) The respective interests of the Beneficiaries in the assets, profits and losses of the Trust, as of the date hereof, are as set forth in the attached "Exhibit A."
- (d) Any Beneficiary shall have the right to withdraw from the Trust in whole or in part, at any time, in accordance with Section 4 hereof. New Beneficiaries may be admitted to the Trust, or current beneficiaries may change their interests in the Trust, in accordance with Section 5 hereof.
- (e) Upon any change in the Trust of a kind described in Section 1(d) hereof, the percentages of ownership, profits and loss set forth in the attached "Exhibit A" (the "Ownership Percentages") shall be recalculated to reflect the relative values of the Beneficiaries' respective interests in the Trust.
- (f) The Trust shall also be revocable at any time by vote of a majority of the then existing Beneficiaries. Upon revocation of the Trust, the Trustee shall proceed as promptly as possible to liquidate the assets of the Trust, to pay all outstanding obligations of the Trust, and to distribute to the Beneficiaries all assets of the Trust which shall remain. The Trustee may withhold from distribution an appropriate

reserve for the payment of any existing or anticipated obligations whose amount cannot be determined at the time of distribution. Should any obligations of the Trust become known after such distribution has occurred, the Beneficiaries agree to refund to the Trust any or all distributions they have received in proportion to their respective interests in the Trust.

# Obligations of Trustee and Beneficiaries

- (a) The Trustee, Cohen, will open with the New York broker-dealer organization of Bernard L. Madoff Investment Securities LLC ("Madoff") one or more retail brokerage accounts in the name of the Trust (the "Madoff Account"). In addition, the Trust will open a money market account with Fidelity Investments (the "Fidelity Account"). The Madoff Account and the Fidelity Account are collectively referred to in this Agreement as the "Accounts."
- (b) All Beneficiaries of the Trust will share equally and proportionally in all profits, losses, income and expenses incurred in, or in connection with, the Accounts, to the same extent as if each Beneficiary had an individual account.
- (c) The Madoff Account will be managed by Madoff on a "discretionary" basis, meaning that Madoff may enter orders for the Madoff Account to purchase or sell securities (including options) in the exercise of Madoff's brokerage judgment.
- (d) In all other respects, the Trustee shall have sole authority to act on the Trust's behalf with respect to the Accounts.
- (e) The Beneficiaries agree to provide and/or execute promptly any agreements or disclosures which may be required by Madoff or Fidelity with respect to the Accounts, and to meet any minimum balance and fee requirements in the Accounts.
- (f) Attached are the account authorization documents which the Madoff organization has requested that the Trust execute (Exhibits B and C), and those which have been presented for execution by Fidelity Brokerage Services, LLC ("Fidelity") (Exhibit D). The Beneficiaries hereby authorize Trustee to execute those documents on behalf of the Trust, and to execute any further documents which may be necessary to open or maintain accounts with Madoff and/or Fidelity.

- (g) Trustee will instruct Madoff to transmit to the Trustee copies of all confirmations, statements and other documentation for the Accounts, with duplicate copies (if practicable) to each of the Beneficiaries. In the event that Madoff is unable or unwilling to provide such copies directly to the Beneficiaries, the Trustee, upon receipt of those documents from Madoff, will promptly forward copies to all Beneficiaries.
- (h) The Trustee and the Beneficiaries agree that Trustee may, and they anticipate that he will open one or more Accounts with Madoff on a "discretionary" basis, that Trustee will authorize Madoff to effect transactions on behalf of the Trust's Account with Madoff, in the exercise of Madoff's business judgment, that Madoff will have no obligation to discuss such transactions with the Trustee before effecting them, and that Madoff may effect such transactions without obtaining the Trustee's, or the Beneficiaries', permission for, or approval of, any such transaction, either before the transaction(s) or after the transaction(s).
- (i) The Trustee and the Beneficiaries agree and anticipate that the transactions in the Accounts will involve transactions in options, including puts and calls.
- (j) The Beneficiaries understand that securities transactions involve risk, and that the transactions and/or positions in the Account may result in either profits or losses.
- (k) The Beneficiaries have been informed by Madoff, (a) that there will be options transactions in the Madoff Account, and that the Account will therefore be a margin account; (b) that despite the margin status of the Account, the Account is not expected to employ "leverage"; (c) that all options transactions in the Account are expected to be either "long" or "covered" (i.e., not "naked"), as well as dollar-for-dollar hedged; and accordingly, (d) that transactions in the Account are not expected to result in margin calls, or in losses which will exceed the amounts invested in the Account. (See Madoff's "Trading Authorization Limited to Purchase and Sales of Securities and Options," which states in relevant part that, "in no event will the losses exceed my investment.")
- (1) Nevertheless, should unforseen events in the Account result in losses or obligations exceeding the value of the cash and securities invested in the Account, the Beneficiaries will mutually indemnify and hold one another and the Trustee harmless from any loss or

liability which might exceed each Beneficiary's respective investment in the Account ("excess losses"). Any such excess losses will be shared among the Beneficiaries in amounts proportional to their respective investments in the Account..

- (m) Each Beneficiary, to the extent of his Ownership Percentage only, agrees to indemnify, defend and hold harmless the Trustee of, from, and against any and all damage, loss, cost and expense of any kind suffered or incurred at any time by the Trustee in connection with the Accounts, and each Beneficiary hereby releases the Trustee from all liabilities and obligations in respect of the Trustee's acts or omissions (excluding only the Trustee's gross negligence, willful misconduct or willful breach of trust) in respect of the Accounts.
- (n) This Agreement does not create a partnership or a joint venture. In no event shall any Beneficiary become responsible for the debts, defaults or liabilities of any of the other Beneficiaries (individually or jointly) with respect to any transaction or business which does not directly arise from the Madoff Account.

#### 3. Change of Trustee

- (a) The Trustee reserves the right to resign as trustee under the Trust created hereby, at any time, by giving written notice to all Beneficiaries. In that event, the Beneficiaries' respective obligations to indemnify, defend, and hold harmless one another, as well as the Trustee, shall survive the Trustee's resignation.
- (b) A majority in interest of the Beneficiaries may at any time, by written agreement or by notice transmitted to the Trustee, to each Beneficiary and to Madoff, designate a new Trustee to replace the existing Trustee. In that event, the current Trustee shall furnish copies to the successor Trustee of all information and documents in his possession pertaining to the Trust. All provisions of this Agreement shall pertain to the successor Trustee.
- (c) Should the Trustee die or become incapacitated, the remaining Beneficiaries shall jointly select a new Trustee, by vote of a majority of their respective Ownership Interests in the Trust.

#### 4. Partial or Complete Withdrawals by Beneficiaries

(a) All Beneficiaries reserve the right to make partial or complete withdrawals from the Trust. To make a partial or complete

withdrawal, a Beneficiary must give written notice of the intended withdrawal to the Trustee by Federal Express and fax at least 10 business days before the end of the current statement accounting period for the Madoff Account.

- (b) Also upon receipt of such notice, the Trustee shall request that the Trust's accountant make a valuation of the withdrawing Beneficiary's interest, and the accountant's determination, unless promptly objected to by the Trustee or by one of the Beneficiaries, shall be final and binding upon the Trustee and all Beneficiaries.
- (c) As promptly as possible following that valuation, Trustee shall convey funds and/or securities from the Accounts in an amount equivalent to the value of the withdrawing Beneficiary's interest. A majority in interest of the Beneficiaries may authorize the Trustee either, (i) to liquidate securities from the Accounts, or (ii) to convey securities from the Accounts, in order to pay the withdrawing Beneficiary the value of his interest in the Accounts.
- (d) Trustee's withdrawal and disbursement of funds and/or securities from the Madoff Account shall be subject to the provisions of all agreements between Madoff and the Trust, and further subject to all applicable requirements of securities laws and regulations.
- (e) For the Madoff Account's monthly statement accounting period immediately following the withdrawal of funds and/or securities under Sections 4(a) through 4(d) hereof, the Trustee will adjust the Ownership Percentages of all remaining Beneficiaries. The new Ownership Percentages shall be adjusted so that each beneficiary's Ownership Percentage shall be in the proportion of (i) the value of such Beneficiary's investment in the Madoff Account, to (ii) the total value of the entire Madoff Account.

#### 5. Contribution by Existing or New Beneficiaries

- (a) Existing Beneficiaries may make additional contributions to the Trust with the consent of all other existing Beneficiaries and the Trustee.
- (b) New Beneficiaries may be admitted into the Trust with the consent of all existing Beneficiaries and the Trustee.
- (c) In order for additional contributions to be made to the Trust, or additional Beneficiaries admitted, written notice of the proposal must be provided to the Trustee and all existing Beneficiaries by Federal

Express and fax, the written consent of all existing Beneficiaries must have been transmitted and received by the Trustee within the same 10-day period, and Madoff must have accepted the newly contributed funds and credited them to the Madoff Account prior to the last business day of the Madoff Account's current monthly statement accounting period.

- (d) For the Madoff Account's monthly statement accounting period immediately following the acceptance of funds under Sections 5(a) through 5(c) hereof, the Trustee will specify the Ownership Percentages of all Beneficiaries. The new Ownership Percentages shall be adjusted so that each Beneficiary's Ownership Percentage shall be in the proportion of (i) the value of such Beneficiary's investment in the Madoff Account, to (ii) the total value of the entire Madoff Account.
- (e) It is the intention, but shall not be the obligation, of Barry E. Kaufman to invest an additional \$150,000 in the Accounts prior to twelve (12) months from the date the Accounts are originally opened.

#### 6. Accounting Services

- (a) The Trustee and Beneficiaries shall jointly designate an individual to perform accounting services for the Trust (the "Accountant").
- (b) Barry E. Kaufman is hereby designated as the initial Accountant for the Trust.
- (c) The Accountant will maintain all books and records with regard to the Accounts, and will timely prepare all tax filings in connection with the Accounts. For that purpose, the Accountant has obtained a Tax Identification Number for the Trust, ID 57-6200-338.
- (d) The Accountant will also issue a monthly report to the Beneficiaries, in accordance with the form attached as "Exhibit F."
- (e) The Accountant shall perform accounting services in connection with this Agreement without receiving compensation for those services, but shall be entitled to reimbursement for his reasonable and necessary expenses for clerical support services in performing services under this Agreement. The Beneficiaries, separately, or the Trust shall reimburse the Accountant for these expenses in amounts proportional to their respective investments in the Account.

(f) The Trustee and Beneficiaries have been advised by their current Accountant (see attached Exhibit E), (i) that the Trust will be treated for purposes of Federal income tax laws and regulations as a grantor trust, (ii) that U.S. Income Tax Form 1041 will be prepared for the Trust annually, (iii) that a schedule will be attached to the return reflecting the name, address and social security number of each individual beneficiary, allocating among them the income and expenses on which each will be required to pay taxes. Each Beneficiary will include on his U.S. Form 1040 his respective taxable income from the Trust.

#### Expenses of the Trust

- (a) Trustee shall receive no compensation for acting as Trustee, but shall be reimbursed by each Beneficiary to the extent of such Beneficiary's Ownership Percentage for all reasonable third-party out-of-pocket expenses incurred in connection with the Trust, including any such expenses for accounting or legal services.
- (b) Trustee is hereby authorized to obtain reimbursement for such expenses, either by withdrawing funds from the Accounts or by obtaining checks directly from the Beneficiaries. The Beneficiaries agree to remit any such payment promptly.
- (c) To facilitate such reimbursement, each Beneficiary will deposit an agreed upon sum into a checking account and/or money market account at Fidelity Investments. The forms of account agreement currently required by Fidelity, including Fidelity's check writing form, are attached as Exhibit D.

#### 8. Notices

Any notice required or permitted to be given with respect to this Agreement shall be in writing and shall be deemed to have been given at the earlier of (i) when actually received, or (ii) five (5) business days after such notice has been sent, postage prepaid, by First Class, Certified or Registered U.S. mail, addressed as follows:

Beneficiary:

Barry E. Kaufman 9121 Briar Forest Houston, Texas 77024 (713) 784-7986 (H) (832) 476-3613 (O) (713) 658-0859 (F) Beneficiary:

Morrie K. Abramson

1400 Post Oak Blvd., Suite 808

Houston, Texas 77056 (713) 626-1166 (H) (713) 965-0900 (O) (713) 965-0770 (F)

Beneficiary/

Trustee:

James H. Cohen

850 Park Avenue, #7C

New York, New York 10021-1845

(212) 249-1459 (H) (212) 717-2932 (F)

#### 9. Governing Law

This Agreement shall be governed by and construed in accordance with the laws of the State of New York (without regard to New York's conflict of laws rules).

#### 10. Successors

This Agreement shall bind and benefit the parties hereto and their respective heirs, successors, legal representatives and permitted assigns. Rights and obligations under this Agreement may be assigned *only* with the prior written consent of the Trustee and of all Beneficiaries.

#### 11. Counterparts

This Agreement may be executed in two or more counterparts, each of which shall be binding on the party executing it, and all of which together shall constitute a single agreement.

#### 12. Entire Agreement; Amendments

This Agreement comprises the complete understanding of the undersigned parties with respect to the subject matter hereof and supersedes all other oral or written agreements between them. This Agreement may be amended only by an instrument in writing signed by the Trustee and all Beneficiaries.

#### 13. <u>Due Diligence</u>

Each of the undersigned parties has had an opportunity to make "due diligence" inquiries about the prospective Madoff Account, and has made an independent decision to assume the risks involved in trading securities and options in that Account. In addition, each of the undersigned acknowledges that he has received no guarantee of performance or profitability with respect to trading in that Account, or in any other account which may be opened pursuant to this Agreement.

#### 14. No Broker-Dealer Beneficiary or Trustee

Each of the undersigned acknowledges that he understands that neither the Trustee nor any of the Beneficiaries is a registered Broker/Dealer or Investment Advisor.

The Trust Agreement shall become effective when signed by all parties

#### 15. Effective Date

BARRY E. KAUFMAN, Beneficiary

and when funded by the deposits with Madoff of all funds set forth on Exhibit A.

JAMES H. COHEN, Beneficiary and Trustee

Date

MORRIE K. ABRAMSON, Beneficiary

Date

-9-

# EXHIBIT A

Beneficiary	Ownership Percentage	Original Investment
James H. Cohen	36.111%	\$650,000.00
Morrie K. Abramson	36.111%	\$650,000.00
Barry E. Kaufman	27.778%	\$500,000.00
	100.00%	\$1,800,000,00

FROM : COHEN 850 PARK AVE

FAX NU. : 212 111 2002



EXHIBIT B

212 280-2424 800 884-1343 Fax 212 486-8178

TAX ID	# or SOCIAL SECURITY	T#		
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FROM : COHEN 850 PARK AVE

FAX NO. :212 717 2932

אףר. שם בששט שוישברוו ויי



212 230-2424 800 334-1343 Fax 212 486-8173

#### CUSTOMER AGREEMENT

In consideration for you (the "Broker") opening or maintaining one of more accounts (the "Customer"), the Customer agrees to this terms and conditions contained in this Agreement. The heading of each provision of the Agreement is for descriptive purposes only and shall not be deemed to modify or quality any of the rights or obligations set forth in each such provision. For purposes of this Agreement, "sucurities and other property" means, but is not limited to money, securities, financial instruments and commodities of every kind and nature and related contracts and options, except that the provisions of paragraph (3 herein (the arbitration clause) shall not apply to commodities accounts. This definition includes securities or other property currently or hereafter held, carried or maintained by your or by any of your artifiates, in your possession or control of any such altifiate, for any purpose, in and for any of my accounts now or hereafter opened, including any accounts in which I may have an interest.

#### 1. APPLICABLE RULES AND REGULATIONS

All beneations in the Customer's Account shall be subject to the constitution, rules, regulations, customs and usages of the exchange or market, and its clearing house, if any, where the transactions are executed by the Broker or its agents, including its subsidiaries and utilistes. Also, where applicable, the transactions shall be subject (a) to the provisions of (1) the Securities Exchange Act of 1934, as amended, and (2) the Commodities Exchange Act, as amended; and (b) to the rules and regulations of (1) the Securities and Exchange Commission, (2) the Board of Governors of the Federal Reserve System and (3) the Commodities Futures Trading Commission.

#### 2. AGREEMENT CONTAINS ENTIRE UNDERSTANDINGIASSIGNMENT

This Agreement contains the entire understanding between the Customer and the Broker concerning line subject matter of this Agreement. Customer may not assign The rights and obligations become without first obtaining the prior written concent of the Broker.

#### 3. SEVERABILITY

If any provision of this Agreement is held to be invalid, void or unanforceable by reason of any law, rule, administrative order or judicial decision, that determination shall not effect the validity of the remaining provisions of this Agreement.

#### 4. WAIVER

Except as specifically permitted in this Agreement, no provision of this Agreement can be, not be deemed to be, waived, aftered, modified or amended unless such is agreed to in a writing signed by the broker.

#### 5. DELIVERY OF SECURITIES

Without almograting any of the Broker's rights under any other portion of this Agreement and subject to any indebtedness of the Customer to the Broker, the Customer is entitled, upon appropriate demand, to receive physical delivery of fully paid securities in the Customer's Account.

#### 6. SALES BY CUSTOMER

The Customer understands and sprees any order to self 'short' will be designated as such by the Customer, and that the Broker will mak the order as "short".

All other set orders will be for securities owned ("tong"), at that time, by the Customer by placing the order the Customer effirms that he will deliver the securities on or before the settlement date.

08-01789-cgm Doc 391 Filed 08/27/09 Entered 08/27/09 15:17:11 Main Document Pg 19 of 190

FROM : COHEN 850 PARK AVE

FAX NU. : 212 111 2002

#### 7. BROKER AS AGENT

The customer understands that the Broker is eating as the Customer's egent, unless the Broker notifies the Customer, in writing before the settlement date for the transaction, that the Broker is acting a 1 deater for its own account or as agent for some other person.

#### I. CONFIRMATIONS AND STATEMENTS

Confirmations of transactions and statements for the Customer's Account(s) shall be blading upon the Customer if the Customer does not object, in writing, within ten days after receipt by the Customer.

#### 9. SUCCESSORE

Customer hereby agrees that this Agreement and oil the terms thereof shall be binding upon Customer's hairs, executors, administrators, personal representatives and assigns. This Agreement shall ensure to the benefit of the Broker's present organization, and any successor organization, inespective of any change or changes at any time in the personal discrept, for any cause whelsoever.

#### 10. CHOICE OF LAWS

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THE	RIGHTB	AND	LIABILITIES	OF	THE	PARTIES	DETERMINED,	Ħ	ACCORDANCE	WITH	THE	EWA	OF	THE	STATE	OF

#### 11. CAPACITY TO CONTRACT, CUSTOMER AFFILIATION

By signing below, the Customer, represents that heishe is of legal age, and that invisive is not an employee of any exchange, or of any corporation of which any exchange owns a majority of the capital stock, or of a member of any exchange, or of a member film or member corporation registered on any exchange, or of a bank, trust company, insurance company or of any corporation, firm or individual engaged in the business of dealing, either as broker or as principal, in securities, this of exchange, acceptances or other forms of commercial paper, and that the Customer will promptly notify the Broker in writing if the Customer is now or becomes no employed. The Customer also represents that no one except the Customer has an interest in the account or accounts of the Customer with you.

#### 12. ARBITRATION DISCLOSURES

- \* ARBITRATION IS FINAL AND BINDING ON THE PARTIES.
- \* THE PARTIES ARE WAIVING THEIR RIGHT TO SEEK REMEDIES IN COURT, INCLUDING THE RIGHT TO JURY TRIAL
- \* PRE-ARBITRATION DISCOVERY IS GENERALLY MORE LIMITED THAN AND DIFFERENT FROM COURT PROCEEDINGS.
- The arbitrators award is not required to include factual findings or legal reasoning and any party's right to appeal or to seek biodification of rulings by the arbitrators is strictly limited.
- THE PANEL OF ARBITRATORS WILL TYPICALLY INCLUDE A MINORITY OF ARBITRATORS WHO WERE OR ARE AFFILIATED WITH THE SECURITIES INDUSTRY.

FROM : COHEN 850 PARK AVE

FAX NO. : 212 (11 2002



#### 13. ARBITRATION

THE GUSTOMER AGREES, AND BY CARRYING AN ACCOUNT FOR THE CUSTOMER THE BROKER AGREES THAT ALL CONTROVERSES WHICH MAY ARISE BETWEEN US CONCERNING ANY TRANSACTION OR THE CONSTRUCTION, PERFORMANCE, OR BREACH OF THIS OR ANY OTHER AGREEMENT BETWEEN US PERTAINING TO SEGURITIES AND OTHER PROPERTY, WHETHER ENTERED INTO PRIOR, ON OR SUBSECUENT TO THE DATE HEREOF, SHALL BE DETERMINED BY ARBITRATION UNDER THIS AGREEMENT SHALL, BE CONDUCTED PURSUANT TO THE FEBERAL ARBITRATION ACT AND THE LAWS OF THE STATE DESIGNATED IN PARAGRAPH 10, BEFORE THE AMERICAN ARBITRATION ASSOCIATION, OR BEFORE THE NEW YORK STOCK EXCHANGE, INC. OR AN ARBITRATION FACILITY PROVIDED BY ANY OTHER EXCHANGE OF WHICH THE BROKER IS A MEMBER, OR THE NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC. OR THE MUNICIPAL SECURITIES RULE MAKING BOARD AND IN ACCORDANCE WITH THE RULES OBTAINING OF THE SELECTED ORGANIZATION. THE GUSTOMER MAY ELECT IN THE FIRST MISTANCE WHETHER ARBITRATION SHALL BE BY THE AMERICAN ARBITRATION ASSOCIATION, OR BY AN EXCHANGE OR SELF-REGULATORY ORGANIZATION OF WHICH THE BROKER IS A MEMBER, BUT IF THE CUSTOMER FAILS TO MAKE SUCH ELECTION, BY REGISTERED LETTER OR TELEGRAM ADDRESSED TO THE BROKER AT THE BROKER'S MAIN OFFICE, BEFORE THE EXPIRATION OF TEN DAYS AFTER RECEIPT OF A WRITTEN REQUEST FROM THE BROKER TO MAKE SUCH ELECTION, THEN THE BROKER MAY MAKE SUCH ELECTION, THE AWARD OF THE ARBITRATORS, OR OF THE MAJORITY OF THEM SHALL HE FINAL, AND JUDGMENT UPON THE AWARD RENDERED MAY BE ENTERED IN ANY GOURT, STATE OR FEDERAL, HAVING JURISDICTION.

#### 14 DISCLOSURES TO ISSUERS

Under rule 14b-1(o) of the Securities Exchange Act of 1934, we are required to disclose to an issuer the name, address, and securities position of our customers who are beneficial owners of the losses below:

do not object to the disclosure of such info	onnation.
REEMENT CONTAINS A PRE-DISPUTE	arbitration clause at Paragraph 13,
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(X)	(X)(X)(Customer Skynature/date)

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212 230-2424 800 334-1343 Fax 212 486-8178

EXHIBIT C.

#### **OPTION AGREEMENT**

In order to Induce you to carry accounts ("Option Accounts") for me (however designated) for transactions in option contracts (including, without limitations, purchase, sale, transfer, exercise and endorsement) ("Option Transaction"), I hereby warrant, represent and agree with you as set forth below on this Option Agreement.

- I understand, and am well aware, that option trading may be highly speculative in nature. I am
  also aware that on certain days, option trading may cease and this could result in a financial loss
  to me. I agree to hold the company, its other divisions, and its officers, directors and agents
  hamnless for such loss.
- I understand that any option transaction made for any account of mine is subject to the rules regulations, customs and usages of The Options Clearing Corporation and of the registered national securities exchange, national securities association, clearing organization or marked where such transaction was executed. I agree to abide by such rules, regulations, custom and usages and I agree that, acting individually or in concert with others. I will not exceed any applicable position or exercise limits imposed by such exchange, association, clearing organization or other market with respect to option trading.
- 3. If I do not satisfy, on a timely basis, your money or security calls, you are authorized in your sole discretion and without notification, to take any and all steps you deem necessary to protect yourself (for any reason) in connection with option transactions for my account including the right to buy and/or sell (including short or short exempt) for my account and risk any part or all of the shares represented by options handled, purchased, sold and/or endorsed by you for my account or to buy for my account and risk any option as you may deem necessary of appropriate. Any and all expenses or losses incurred in this connection will be reimbursed by me.
- 4. In addition to the terms and conditions hereof, my option account will be subject to all of the terms and conditions of all other agreements heretofore or hereafter at any time entered inte with you relating to the purchase and sale of securities and commodities except to the exten that such other agreements are contrary to or inconsistent herewith.

08-01789-cgm Doc 391 Filed 08/27/09 Entered 08/27/09 15:17:11 Main Document Pg 22 of 190

FROM:	COHEN 950 PARK AVE	THX NU. : בוב וזו בסטב חוף. שם בשט טוי	
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5.	handled for any account of n	ill puts or call which you may have executed, purchased, so ine and also shall apply to all puts, or calls which you or execute for any account of mine.	ld or may
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7.	options on the following debt in GNMAS, you may preferentially of underlying securities) to smaller exercises to smaller to	exercise notices on a random basis except that with respending struments: Treasury Bonds, Treasury Notes, Treasury Blits assign exercises of block-size (i.e. covering \$1,000,000 or a slock-size writing positions and you may preferentially as writing positions. I understand that upon my request you tion regarding the procedure used to assign exercise notices	and more sign
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:	(Name of Corporation)		
By	NAS-08-08-08-04-0	(Second Party if Joint Account)	_
Title		(If a Partnership)	

SEAL

By\_\_\_\_\_\_\_(A Partner)

(Name of Partnership)

FROM : COHEN 850 PARK HUE

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212 230-8494 509 334-1343 Fax 212 486-8178

Congress has mandated that all interest and dividend payers including banks, corporations and funds must withhold 10% of all dividends or interest paid UNLESS you complete and return the form at the bottom of this page.

#### Important New Tex Information

"Under the Federal income tax law, you are subject to certain penalties as well as with-holding of tax at a 20% rate if you have not provided us with your correct social security number or other taxpayer identification number. Please read this notice carefully.

You (as a payee) are required by law to provide us (as payer) with your correct taxpayer identification number. If you are an individual, your taxpayer identification is your social security number. If you have not provided us with your correct taxpayer identification number, you may be subject to a \$56 penalty imposed by the Internal Revenue Service. In addition, divided payments that we make to you may be subject to backup withholding starting on January 1, 1984.

Backup withholding is different from the 10% withholding on interest and dividends that was repealed in 1983. If backup withholding applies, payer is required to withhold 20% of dividend payments made to you. Backup withholding is not an additional tax. Rather, the tax liability of persons subject to backup withholding will be reduced by the amount of tax withheld. If withholding results in an overpayment of taxes, a refund may be obtained".

Please sign the form and return it to us.

Even if you have already provided this information it is required by the IRS that all information requested below be provided again.

	or your cooperation.
	REVENUE SERVICE FORM W-9
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<u></u>	Aller
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Address:	
(Signature)	Inder penalties of perjury, I certify that the number shown

Please fill in your name, address, taxpayer identification number, and sign above.

On this form is my correct Taxpayer Identification Number'

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ארר. אם בששט שו: ממדו רט



212 230-2424 800 334-1343 Fax 212 486-8178

# TRADING AUTHORIZATION LIMITED TO PURCHASES AND SALES OF SECURITIES AND OPTIONS

To Whom It May Concern:

The undersigned hereby authorizes Bernard L. Madoff (whose signature appears below) as his agent and attorney in fact to buy, sell and trade in stocks, bonds, options and any other securities in accordance with your terms and conditions for the undersigned's account and risk and in the undersigned's name, or number on your books. The undersigned hereby agrees to indemnify and hold you harmless from, and to pay you promptly on demand any and all losses arising therefrom or debit balance due thereon. However, in no event will the losses exceed my investment.

In all such purchases, sales or trades you are authorized to follow the instructions of Bernard L Madoff in every respect concerning the undersigned's account with you; and he is authorized to act for the undersigned and in the undersigned's behalf in the same manner and with the same force and effect as the undersigned might or could do with respect to such purchases, sales or trades as well as with respect to all other things necessary or incidental to the furtherance or conduct of such purchases, sales or trades. All purchases, sales or trades shall be executed strictly in accordance with the established trading authorization directive.

The undersigned hereby ratifies and confirms any and all transactions with you heretofore or hereafter made by the aforesaid agent or for the undersigned's account.

This authorization and indemnity is in addition to (and in no way limits or restricts) any rights which you may have under any other agreement or agreements between the undersigned and your firm.

This authorization and indemnity is also a continuing one and shall remain in full force and effect until revoked by the undersigned by a written notice addressed to you and delivered to your office al 885 Third Avenue but such revocation shall not affect any liability in any way resulting from transaction initiated prior to such revocation. This authorization and indemnity shall enure to the benefit of your present firm and any successor firm or firms irrespective of any change or changes at any time in the personnel thereof for any cause whatsoever, and of the assigns of your present firm or any successor firm.

	(City)	(State)	•
Very truly yours,			· · · · ·
	(Client Signature)		

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# **Checkwriting for Non-Retirement Business/Trust/Fiduciary Fidelity Accounts**

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for tax purposes. If you have any questions, call us at 800-544	-6666.	
Return the completed form to: Fidelity Inves	itments, PO Box 770001, Cincinnati, OH	45277-0002
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FROM : COHEN 850 PARK AVE

FAX NO. :212 717 2932

Apr. 04 2003 07:46PM P13

1 Brokerage Account Check Personalization
Your name and address will be printed on checks, but you may customize them with the following options:
[] Name(s) Only
☐ Name(s), Address, and Daytime Telephone Number
Name(s), Address, and Evening Telephone Number
Important Reminders:
- All owners must complete the signature card. Prim your name(s) at left, and sign within the box(es) to the right.
• For UGMAUTMA accounts only the custodian should sign.
For business accounts all authorized persons should sign.
2 DOCUMENTATION TO ADD OR CHANGE A SIGNATURE
Please provide the following documentation in order to add or change an individual(s) checkwriting privileges:
Business Accounts
☐ Certified Copy of the Corporate Resolution, dated within 60 days documenting new signers
☐ Signature Guarantee of an Officer other than new signers
Trust Account
Signature Guarantee of current trustee
☐ Trust Certification of investment power form
Fiduciary
☐ Signature guarantee of person authorized to act on behalf of the account.
Documentation authorizing the person to sign on behalf of the account. If you are unsure, call Fidelity for instructions.
·



316324

PO Box 77000 I, Cincinnati, OH 45277-0002 Fidelity Distributors Corporation Fidelity Brokumge Services LLC, Member NYSE, SIPC,

U.120-5CF-0201 1.753019.101

By signing this signature card on the reverse side, the signatory(tes) agree(s) to be subject to the terms and conditions, guidelines, and rules applicable to your account as now in effect and as amended from time to time, of the fund(s), and of UMB Bank, N.A. ("the Bank"), as they pertain to the use of redemption checks; therefore, all registered owners must sign this signature card. All checks will require only one signature unless otherwise indicated on the face of this card. Each signatory guarantees the genuineness of the other's signature on this card.

The Bank is hereby appointed agent by the account holders signing this card and, as such agent, is directed to request redemption of shares of such Fidelity fund(s) or cash in the core account as designated by the account holders from time to time, and as recorded on Fidelity's records, upon receipt of, and to the amount of, checks down upon this account(s). In so acting, the Bank shall be liable only for its own negligence, Account holders will be subject to the Bank's rules, regulations and associated laws governing check

It is further agreed as follows for mutual fund accounts:

- 1. All items, with the exception of those drawn on Spartan® money market funds and Fidelity Municipal Money Market Fund, must be for a minimum of \$500 (or such other minimum amounts as may from time to time be established upon prior written notice to the shareholders, including the accounts of Spartan money market funds and Fidelity Municipal Money Market Fund), or they may be returned to the shareholders marked "Refer to Maker."
- This card supersedes any card already on file for the same T Master Account, fund, or account number.
- Refer to the fund prospectus for minimum check amounts and any applicable fees.
- You may obtain a copy of the "Statement of Terms and Conditions" applicable to your account by calling Fidelity.

EXHIBIT E

Page 1 of 1

#### Jim Cohen

From:

"Kaufman, Barry" <Barry.Kaufman@GT.com>

To:

"James Cohen" < cohen49@nyc.rr.com>

Cc:

"Morrie Abramson" < morrie@morrieabramson.com>

Sent:

Tuesday, March 11, 2003 12:53 PM

Subject:

Tax Treatment of Madoff Investment

You asked that I advise you of how the income/expense for tax purposes would be handled with respect to the Madoff Investment.

Jerry Paine, tax director at Grant Thornton, and I reviewed the tax treatment of the income and expense as well as the tax return required and determined the following:

A grantor trust, U.S. Income Tex Form 1041 will be prepared annually.

The return will indicate that all income/expense is taxed to the individual granturs/beneficiaries.

A scheduled will be attached to the return reflecting the name, address and social security number of each grantor/beneficiary and the income allocated to each.

Each individual/beneficiary will include on his individual tax return, U. S. Form 1040, his respective amounts. If you or your tax advisor need additional information, please give me or Jerry a call,

Barry Kaufman 333 Clay, Suite 2700 Houston, Texas 77002 832-476-3613

James H Cohen Special Trust	Current YTD Current Value		(x-+) s (x-+)
James H Cohen Special T Madoff P & L For The Wonth Of _	Original C	650,000.00 650,000.00 500,000.00	\$1,800,000,00
<b>25.</b>	Ownership %	36.111 \$ 36.111 27.778	300.001
	neficiary	mes H Cohen Irrie K. Abramson Irry E. Kaufman	

08-01789-cgm Doc 391 Filed 08/27/09 Entered 08/27/09 15:17:11 Main Document Pg 31 of 190

# EXHIBIT 1A

# First Amendment to the James H. Cohen Special Trust Agreement and Declaration of Trust

THIS IS THE FIRST AMENDMENT, dated December 17, 2004, to the James H. Cohen Special Trust Agreement and Declaration of Trust entered into on April 11, 2003 by, between and among James H. Cohen (the "Trustee" and an "Original Beneficiary"), Morrie K. Abramson, and Barry E. Kaufman (individually referred to herein as an "Original Beneficiary," and collectively referred to herein as the "Original Beneficiaries").

#### WITNESSETH:

WHEREAS, the Trustee and the Original Beneficiaries had entered into an Agreement and Declaration of Trust, dated April 11, 2003 (the "Trust Agreement"), pursuant to which a trust known as the John H. Cohen Special Trust (the "Trust") was created, and such Trust Agreement and Trust are in full force and effect;

WHEREAS, pursuant to Section 7-1.17(b) of the New York Estates Powers and Trusts Law (the "EPTL"), and Paragraph 12 of the Trust Agreement, the Trustee and Original Beneficiaries desire to amend this Trust Agreement as set forth below in anticipation of admitting additional beneficiaries, referred to herein as "New Beneficiaries" (each of the beneficiaries under the Trust Agreement, whether an Original Beneficiary or a new New Beneficiary, shall be referred to herein individually as a "Beneficiary," and collectively as "Beneficiaries");

WHEREAS, the Original Beneficiaries will retain full voting and consent rights under the Trust Agreement, and the New Beneficiaries shall have no voting or consent rights except with respect to their own additional contributions and withdrawal from the Trust, upon the terms and conditions set forth herein;

WHEREAS, pursuant to Paragraph 5(b), the Trustee and Original Beneficiaries desire to admit Robyn C. Berniker, Alan D. Garfield, Marion Garfield and Erin M. Hellberg as New Beneficiaries, conditioned upon satisfaction of all requirements under the Trust Agreement as amended herein, with the limited voting rights set forth herein, and to accept their respective \$125,000 initial contributions;

NOW THEREFORE, in consideration of the premises and mutual covenants contained in this First Amendment, and for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto, intending to be legally bound, agree as follows:

1. All references in Sections 1(a), (b), the first sentence of 1(f), 3(c), 4(b), 5(a), 6(a), 10 and 12 of the Trust Agreement to "beneficiary" or "beneficiaries" are hereby replaced with references to "Original Beneficiary" or "Original Beneficiaries." In the event of the death of an Original Beneficiary, the term "Original Beneficiary," as used in the Trust Agreement, this First Amendment, and amendment hereafter, shall refer to the heirs of such Original Beneficiary.

- 2. The first sentence of Section 3(b) of the Trust Agreement is replaced in its entirety by the following language: "A majority in interest of the Original Beneficiaries may, at any time, by written agreement or by notice transmitted to the Trustee, to each Beneficiary and to Madoff, designate a new Trustee to replace the existing Trustee.
- 3. The second sentence of Section 4(c) of the Trust Agreement is replaced in its entirety by the following language: "A majority in interest of the Original Beneficiaries may authorize the Trustee either, (i) to liquidate securities from the Accounts, or (ii) to convey securities from the Accounts, in order to pay the withdrawing Beneficiary the value of his interest in the Accounts."
- 4. The language in Section 5(b) of the Trust Agreement is replaced in its entirety with the following: "New Beneficiaries may be admitted into the Trust with the consent of all existing Original Beneficiaries and the Trustee."
- 5. The language in Section 5(c) of the Trust Agreement is replaced in its entirety with the following language:

In order for additional contributions to be made to the Trust or additional Beneficiaries admitted, written notice of the proposal must be provided to the Trustee and all existing Beneficiaries by fax, prepaid overnight courier service or e-mail, the written consent of all existing Original Beneficiaries must have been transmitted and received by the Trustee within the same 10-day period, and Madoff must have accepted the newly contributed funds and credited them to the Madoff Account prior to the last business day of the Madoff Account's current monthly statement accounting period.

- 6. New Beneficiaries will have the same rights as the Original Beneficiaries to withdraw from the Trust pursuant to Section 4(a) of the Trust Agreement, and to participate in the profits and losses of the Trust in accordance with their respective Ownership Percentages as set forth in Exhibit A of the Trust Agreement, as amended by the Trustee. A majority of the Original Beneficiaries may, at any time, upon notice to a New Beneficiary, with a copy to the Trustee and all other Beneficiaries, remove such New Beneficiary or compel such New Beneficiary to reduce his or her contribution amount to the Trust. The Trustee is authorized to take such action, and execute such documents, as the Trustee deems are reasonable or necessary to effectuate the removal or reduction, as the case may be
- 7. The Trustee reserves the right to modify and update the Exhibit F referred to in Section 6(d) of the Trust Agreement from time to time without the consent of the Beneficiaries, and will distribute a copy of Exhibit F upon each revision to the Beneficiaries.

- 8. The following new language is hereby added to Section 7 of the Trust Agreement:
  - (d) Each New Beneficiary shall be responsible for all administrative, professional and/or legal fees incurred by the Trust in connection with such New Beneficiary's admission,. The minimum fee payable by each New Beneficiary shall be one thousand five hundred dollars (\$1,500) which shall, defray, to the extent it exceeds actual costs of admission, the expense incurred by the Trust in the preparation of the original Trust Agreement and in the implementation the Trust provisions. Any amount in excess of actual costs shall be distributed by the Trust to the Original Beneficiaries in proportion to their initial Ownership Percentages under the Trust Agreement. If such fee is not paid by the New Beneficiary upon admission to the Trust, the Trustee is authorized to deduct such amount from the contribution(s) made to the Trust by such New Beneficiary, and any accrued profits on such contribution(s).
- 9. Any amendment approved by the Original Beneficiaries under Section 12 of the Trust Agreement shall be null and void to the extent that such amendment impairs or nullifies the New Beneficiaries' rights hereunder unless all New Beneficiaries have agreed to such amendment.
  - 10. The following language is added to Section 14 of the Trust Agreement:

Each Beneficiary hereunder represents and warrants that he or she has not received, and will not receive, any finders fee or any other consideration, directly or indirectly, for the admission of any Beneficiary under this Trust Agreement or any contribution or other transaction in connection with the Trust Agreement or the Madoff Account. No Beneficiary may act as a broker-dealer with respect to any of the Trust's investments or capital contributions. Any Beneficiary who receives any such fee or other consideration in contravention of this Section shall be removed as a Beneficiary from the Trust, upon the Trustee's delivery of notice of removal to the Beneficiary, and the removed Beneficiary shall forfeit such fee to the Trustee to be distributed to those of the Original Beneficiaries who did not receive such wrongful fee, in proportion to their initial Ownership Percentages under the Trust Agreement. If such fee is not paid over to the Trustee upon demand, the Trustee is authorized to deduct such amount from the

contribution(s) made to the Trust by such Beneficiary, and any accrued profits on such contribution(s).

- 11. The Trustee is hereby authorized, without the consent of the Beneficiaries, to update Exhibit A of the Trust Agreement as necessary to reflect the admission and withdrawal of beneficiaries, changes in the respective Ownership Percentages of each Beneficiary upon such admission or withdrawal of a Beneficiary, or as otherwise required, and to distribute a copy of each such updated Exhibit A to all of the Beneficiaries.
- 12. The method of delivery of any notice under the Trust Agreement is hereby modified to delivery by fax, prepaid overnight courier service or e-mail. Notice shall no longer be required to be delivered by fax and Federal Express.
- 13. Robyn C. Berniker, Alan D. Garfield, Marion Garfield and Erin M. Hallberg are hereby admitted under the Trust Agreement, as amended herein, as New Beneficiaries, effective upon the full satisfaction by each such New Beneficiary of the following pre-conditions set forth in Section 5 of the Trust Agreement and in this First Amendment no later than the close of business on December 31, 2004:
- (a) Written notice of all the proposed admissions and additional contributions has been provided to the Trustee and to all Original Beneficiaries by fax, overnight courier service or e-mail, and the written consent of all Original Beneficiaries is transmitted and received by the Trustee no more than ten (10) days from the date that the Original Beneficiaries received the written notice;
- (b) All Original Beneficiaries have consented to the admission of the New Beneficiaries by executing this First Amendment, and delivered an original executed copy of this First Amendment to the Trustee;
- (c) The New Beneficiaries, by their execution of this First Amendment, agree to their admission to the Trust in accordance with the Trust Agreement as amended herein, and to be bound by the terms and conditions of the Trust Agreement as amended herein and hereafter;
- (d) The New Beneficiaries deliver an executed original copy of this First Amendment to the Trustee;
- (e) Each New Beneficiary contributes one hundred twenty five thousand dollars (\$125,000) to the Trust;
- (f) Bernard L. Madoff Securities, LLC ("Madoff") accepts each such initial contribution and credits it to one or more retail brokerage accounts in the name of the Trust (the "Madoff Account") prior to the last business day of the Madoff Account's current monthly statement accounting period but no later than <u>December 31, 2004</u>.

If the pre-conditions set forth in this Section 13 of the First Amendment are not fully satisfied by a proposed New Beneficiary, such New Beneficiary shall not be admitted to the Trust as a Beneficiary, and the Trustee will promptly return to such New Beneficiary the amount of his

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contribution (adjusted for profits or losses incurred on the contribution if it has been credited to a Trust Account).

- 14. Robyn C. Berniker, Alan D. Garfield, Marion Garfield and Erin M. Hallberg may invest up to eight hundred thousand dollars (\$800,000) in the aggregate over and above their agreggated initial contributions without the approval of the Original Beneficiaries or the Trustee. Any of these New Beneficiaries seeking to contribute in excess of the \$800,000 aggregated amount must give thirty days' prior written notice of such contribution to the Trustee and the Original Beneficiaries, and must obtain the approval of the Trustee and all of the Original Beneficiaries for such contribution. The Trustee and the Original Beneficiaries may withhold their consent in their sole discretion. The Trustee has sole discretion in resolving any dispute among the New Beneficiaries with respect to additional contributions. The Trustee's decision in any such dispute shall be binding and final.
- 15. The New Beneficiaries, jointly and severally, shall pay to the Trustee the fees required under Paragraph 7 of this Trust Agreement, as amended herein, but shall not be required to pay a minimum admission fee in excess of \$1,500 in total.
- 16. Notices under the Trust Agreement may be delivered to the New Beneficiaries at the following addresses, fax numbers and/or e-mail addresses:

Robyn C. Berniker 7 Clearmeadow Court Woodbury, New York 11797 (516) 692-5863 (F) berniefish@aol.com

Alan D. Garfield 675 Third Avenue, Suite 1606 New York, New York 10017 (212) 661-0333 (O) (212) 661-9425 (F) adggizmo@aol.com

Marion Garfield ISO East 69th Street, Apt. 20P New York, New York 10021 (212) 517-7761 (F) mbgecho@aol.com

Erin M. Hellberg 5 Galleine Commack, New York 11725 (516) 543-5575 (F) troysmom@optonline.net

17. Except as specifically amended herein, the parties hereto ratify and confirm all provisions of the Trust Agreement.

08-01789-cgm Doc 391 Filed 08/27/09 Entered 08/27/09 15:17:11 Main Document Pg 37 of 190

18. This First Amendment may be executed in two or more counterparts, each of which shall be binding on the party executing it, and all of which together shall constitute a single agreement.

IN WITNESS WHEREOF, the parties hereto have entered into this First Amendment to be effective on the date first above written.

JAMES H. COHEN
Trustee and Original Beneficiary

MORRIE K. ABRAMSON Original Beneficiary

BARRY E. KAUFMAN Original Beneficiary

ACCEPTED AND AGREED TO:

ROBYN C. BERNIKER

New Beneficiary

ALAN D. GARFIELD

New Beneficiary

MARION GARFIELD

New Beneficiary

ERIN M. HELBERG

New Beneficiary

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18. This First Amendment may be executed in two or more counterparts, each of which shall be binding on the party executing it, and all of which together shall constitute a single agreement.

IN WITNESS WHEREOF, the parties hereto have entered into this First Amendment to be effective on the date first above written.

JAMES H. COHEN

Trustee and Original Beneficiary

MORRIE K. ABRAMSON Original Beneficiary

BARRY E. KAUFMAN Original Beneficiary

ACCEPTED AND AGREED TO:

ROBYN C. BERNIKER

New Beneficiary

ALAN D. GARFIELD

New Beneficiary

MARION GARFIELD

New Beneficiary

ERIN M. HELBERG

New Beneficiary

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		Notary Public

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FROM : COHEN 8:10 PARK AVE

FAX NO. :212 717 2932

Dec. 20 2004 11:49PM PB

18. This First Amendment may be executed in two or more counterparts, each of which shall be binding on the party executing it, and all of which together shall constitute a single agreement.

IN WITNESS WHEREOF, the parties hereto have entered into this First Amendment to be offertive on the date first above written.

JAMES H. COHEN
Trustee and Original Beneficiary

MORRIE K. ABRAMSON Original Beneficiary

BARRY B. KAUFMAN Original Beneficiary

ACCEPTED AND AGREED TO:

ROBYNC, BERNIKER New B mediciary

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18. This First Amendment may be executed in two or more counterparts, each of which shall be binding on the party executing it, and all of which together shall constitute a single agreement.

IN WITNESS WHEREOF, the parties hereto have entered into this First Amendment to be effective on the date first above written.

JAMES H. COHEN
Trustee and Original Beneficiary

MORRIE K. ABRAMSON Original Beneficiary

BARRY E. KAUFMAN Original Beneficiary

ACCEPTED AND AGREED TO:

ROBYN C. BERNIKER New Beneficiary

ALAN D. GARFIELD New Beneficiery

MARION GARFIELD New Beneficiary

ERIN M. HELBERG New Beneficiary

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18. This First Amendment may be executed in two or more counterparts, each of which shall be binding on the party executing it, and all of which together shall constitute a single agreement.

IN WITNESS WHEREOF, the parties hereto have entered into this First Amendment to be effective on the date first above written.

JAMES H. COHEN

Trustee and Original Beneficiary

MORRIE K. ABRAMSON Original Beneficiary

BARRY E KAUFMAN Original Beneficiary

ACCEPTED AND AGREED TO:

ROBYNC BERNIKER

New Beneficiary

ALAN D. GARFIELD

New-Beneficiary

MARION PARFIELD

New Beneficiary

ERIN M. HELBERG

New Beneficiary

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# EXHIBIT 2





TAX ID# or SOCIAL SECURITY# 57-6200 -338

Mr./Mrs./Ms.	James H.	Cohen	Specia	Trust
NAME	850 Park	L Avenue	<del></del>	
STREET	New York			1-1845
CITY	212-249-		ZI	IP
TEL. NUM		BUSINESS	3	RESIDENCE
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#### **CUSTOMER AGREEMENT**

In consideration for you (the "Broker") opening or maintaining one or more accounts (the "Customer"), the Customer agrees to the terms and conditions contained in this Agreement. The heading of each provision of the Agreement is for descriptive purposes only and shall not be deemed to modify or qualify any of the rights or obligations set forth in each such provision. For purposes of this Agreement, "securities and other property" means, but is not limited to money, securities, financial instruments and commodities of every kind and nature and related contracts and options, except that the provisions of paragraph 13 herein (the arbitration clause) shall not apply to commodities accounts. This definition includes securities or other property currently or hereafter held, carried or maintained by you or by any of your affiliates, in your possession or control, or in the possession or control of any such affiliate, for any purpose, in and for any of my accounts now or hereafter opened, including any account in which I may have an interest.

#### 1. APPLICABLE RULES AND REGULATIONS

All transactions in the Customer's Account shall be subject to the constitution, rules, regulations, customs and usages of the exchange or market, and its clearing house, if any, where the transactions are executed by the Broker or its agents, including its subsidiaries and affiliates. Also, where applicable, the transactions shall be subject (a) to the provisions of (1) the Securities Exchange Act of 1934, as amended, and (2) the Commodities Exchange Act, as amended; and (b) to the rules and regulations of (1) the Securities and Exchange Commission, (2) the Board of Governors of the Federal Reserve System and (3) the Commodities Futures Trading Commission.

#### 2. AGREEMENT CONTAINS ENTIRE UNDERSTANDING/ASSIGNMENT

This Agreement contains the entire understanding between the Customer and the Broker concerning the subject matter of this Agreement. Customer may not assign The rights and obligations hereunder without first obtaining the prior written consent of the Broker.

#### 3. SEVERABILITY

If any provision of this Agreement is held to be invalid, void or unenforceable by reason of any law, rule, administrative order or judicial decision, that determination shall not effect the validity of the remaining provisions of this Agreement.

#### 4. WAIVER

Except as specifically permitted in this Agreement, no provision of this Agreement can be, nor be deemed to be, walved, altered, modified or amended unless such is agreed to in a writing signed by the broker.

#### 5. DELIVERY OF SECURITIES

Without abrogating any of the Broker's rights under any other portion of this Agreement and subject to any Indebtedness of the Customer to the Broker, the Customer is entitled, upon appropriate demand, to receive physical delivery of fully paid securities in the Customer's Account.

#### 6. SALES BY CUSTOMER

The Customer understands and agrees any order to sell "short" will be designated as such by the Customer, and that the Broker will mark the order as "short".

All other sell orders will be for securities owned ("long"), at that time, by the Customer by placing the order the Customer affirms that he will deliver the securities on or before the settlement date.

#### 7. BROKER AS AGENT

The customer understands that the Broker is acting as the Customer's agent, unless the Broker notifies the Customer, in writing before the settlement date for the transaction, that the Broker is acting a science for its own account or as agent for some other person.

#### **B. CONFIRMATIONS AND STATEMENTS**

Confirmations of transactions and statements for the Customer's Account(s) shall be binding upon the Customer if the Customer does not object, in writing, within ten days after receipt by the Customer.

#### 9. SUCCESSORS

Customer hereby agrees that this Agreement and all the terms thereof shall be binding upon Customer's heirs, executors, administrators, personal representatives and assigns. This Agreement shall ensure to the benefit of the Broker's present organization, and any successor organization, irrespective of any change or changes at any time in the personnel thereof, for any cause whatsoever.

#### 10. CHOICE OF LAWS

THIS AGREEMENT SHALL BE DEEMED TO HAVE BEEN MADE IN THE STATE OF New York AND SHALL BE CONSTRUED, AND THE RIGHTS AND LIABILITIES OF THE PARTIES DETERMINED, IN ACCORDANCE WITH THE LAWS OF THE STATE OF New York

#### 11. CAPACITY TO CONTRACT, CUSTOMER AFFILIATION

By signing below, the Customer, represents that he/she is of legal age, and that he/she is not an employee of any exchange, or of any corporation of which any exchange owns a majority of the capital stock, or of a member of any exchange; or of a member firm or member corporation registered on any exchange, or of a bank, trust company, insurance company or of any corporation, firm or individual engaged in the business of dealing, either as broker or as principal, in securities, bills of exchange, acceptances or other forms of commercial paper, and that the Customer will promptly notify the Broker in writing if the Customer is now or becomes so employed. The Customer also represents that no one except the Customer has an interest in the account or accounts of the Customer with you.

#### 12. ARBITRATION DISCLOSURES

- ARBITRATION IS FINAL AND BINDING ON THE PARTIES.
- \* THE PARTIES ARE WAIVING THEIR RIGHT TO SEEK REMEDIES IN COURT, INCLUDING THE RIGHT TO JURY TRIAL.
- PRE-ARBITRATION DISCOVERY IS GENERALLY MORE LIMITED THAN AND DIFFERENT FROM COURT PROCEEDINGS.
- \* THE ARBITRATORS AWARD IS NOT REQUIRED TO INCLUDE FACTUAL FINDINGS OR LEGAL REASONING AND ANY PARTY'S RIGHT TO APPEAL OR TO SEEK MODIFICATION OF RULINGS BY THE ARBITRATORS IS STRICTLY LIMITED.
- THE PANEL OF ARBITRATORS WILL TYPICALLY INCLUDE A MINORITY OF ARBITRATORS WHO WERE OR ARE AFFILIATED
  WITH THE SECURITIES INDUSTRY.



#### 13. ARBITRATION

THE CUSTOMER AGREES, AND BY CARRYING AN ACCOUNT FOR THE CUSTOMER THE BROKER AGREES THAT ALL CONTROVERSIES WHICH MAY ARISE BETWEEN US CONCERNING ANY TRANSACTION OR THE CONSTRUCTION, PERFORMANCE, OR BREACH OF THIS OR ANY OTHER AGREEMENT BETWEEN US PERTAINING TO SECURITIES AND OTHER PROPERTY, WHETHER ENTERED INTO PRIOR, ON OR SUBSEQUENT TO THE DATE HEREOF, SHALL BE DETERMINED BY ARBITRATION UNDER THIS AGREEMENT SHALL BE CONDUCTED PURSUANT TO THE FEDERAL ARBITRATION ACT AND THE LAWS OF THE STATE DESIGNATED IN PARAGRAPH 10, BEFORE THE AMERICAN ARBITRATION ASSOCIATION, OR BEFORE THE NEW YORK STOCK EXCHANGE, INC. OR AN ARBITRATION FACILITY PROVIDED BY ANY OTHER EXCHANGE OF WHICH THE BROKER IS A MEMBER, OR THE NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC. OR THE MUNICIPAL SECURITIES RULE MAKING BOARD AND IN ACCORDANCE WITH THE RULES OBTAINING OF THE SELECTED ORGANIZATION. THE CUSTOMER MAY ELECT IN THE FIRST INSTANCE WHETHER ARBITRATION SHALL BE BY THE AMERICAN ARBITRATION ASSOCIATION, OR BY AN EXCHANGE OR SELF-REGULATORY ORGANIZATION OF WHICH THE BROKER IS A MEMBER, BUT IF THE CUSTOMER FAILS TO MAKE SUCH ELECTION, BY REGISTERED LETTER OR TELEGRAM ADDRESSED TO THE BROKER AT THE BROKER'S MAIN OFFICE, BEFORE THE EXPIRATION OF TEN DAYS AFTER RECEIPT OF A WRITTEN REQUEST FROM THE BROKER TO MAKE SUCH ELECTION, THEN THE BROKER MAY MAKE SUCH ELECTION, THE AWARD OF THE ARBITRATORS, OR OF THE MAJORITY OF THEM SHALL BE FINAL, AND JUDGMENT UPON THE AWARD RENDERED MAY BE ENTERED IN ANY COURT, STATE OR FEDERAL, HAVING JURISDICTION.

#### 14. DISCLOSURES TO ISSUERS

Under rule 14b-1(c) of the Securities Exchange Act of 1934, we are required to disclose to an issuer the name, address, and securities position of our customers who are beneficial owners of that issuer's securities unless the customer objects. Therefore, please check one of the boxes below:

Yes, I do object to the disclosure of information.	
No, I do not object to the disclosure of such information.	
THIS AGREEMENT CONTAINS A PRE-DISPUTE ARBITRATION CLA  (X) Auc A VIII Trustee  (Customer Signature/date) April 28, 2003	AUSE AT PARAGRAPH 13.  (X)  (Customer Signature/date)
(Customer Address)	(Account Number)



#### **OPTION AGREEMENT**

In order to induce you to carry accounts ("Option Accounts") for me (however designated) for transactions in option contracts (including, without limitations, purchase, sale, transfer, exercise and endorsement) ("Option Transaction"), I hereby warrant, represent and agree with you as set forth below on this Option Agreement.

- 1. I understand, and am well aware, that option trading may be highly speculative in nature. I am also aware that on certain days, option trading may cease and this could result in a financial loss to me. I agree to hold the company, its other divisions, and its officers, directors and agents harmless for such loss.
- 2. I understand that any option transaction made for any account of mine is subject to the rules regulations, customs and usages of The Options Clearing Corporation and of the registered national securities exchange, national securities association, clearing organization or marked where such transaction was executed. I agree to abide by such rules, regulations, custom and usages and I agree that, acting individually or in concert with others, I will not exceed any applicable position or exercise limits imposed by such exchange, association, clearing organization or other market with respect to option trading.
- 3. If I do not satisfy, on a timely basis, your money or security calls, you are authorized in your sole discretion and without notification, to take any and all steps you deem necessary to protect yourself (for any reason) in connection with option transactions for my account including the right to buy and/or sell (including short or short exempt) for my account and risk any part or all of the shares represented by options handled, purchased, sold and/or endorsed by you for my account or to buy for my account and risk any option as you may deem necessary of appropriate. Any and all expenses or losses incurred in this connection will be reimbursed by me.
- 4. In addition to the terms and conditions hereof, my option account will be subject to all of th terms and conditions of all other agreements heretofore or hereafter at any time entered int with you relating to the purchase and sale of securities and commodities except to the exter that such other agreements are contrary to or inconsistent herewith.

- 5. This agreement shall apply to all puts or call which you may have executed, purchased, sold or handled for any account of mine and also shall apply to all puts, or calls which you may hereafter purchase, sell, handle or execute for any account of mine.
- 6. I have received from the company the most recent risk disclosure documents entitled "Understanding the Risks and Uses of Listed Options", "Listed Options on Stock Indices", "Listed Options on Foreign Currencies", and "Listed Options in Debt Instruments". I have read and understand the information contained in these documents.
- 7. I understand that you assign exercise notices on a random basis except that with respect to options on the following debt instruments: Treasury Bonds, Treasury Notes, Treasury Bills and GNMAS, you may preferentially assign exercises of block-size (i.e. covering \$1,000,000 or more of underlying securities) to block-size writing positions and you may preferentially assign smaller exercises to smaller writing positions. I understand that upon my request you will provide me with further information regarding the procedure used to assign exercise notices.

DATED April 28, 2003	ACCOUNT NO
Trus† (If a <del>Gorporation</del> )	SIGNATURES (If Individuals)
James H. Cohen Special Trust  (Name of Corporation) Trust  By Jan Delle	(Second Party if Joint Account)
Title Trestee	(If a Partnership)
SEAL	(Name of Partnership)
	By(A Partner)



### TRADING AUTHORIZATION LIMITED TO PURCHASES AND SALES OF SECURITIES AND OPTIONS

### To Whom It May Concern:

The undersigned hereby authorizes Bernard L. Madoff (whose signature appears below) as his agent and attorney in fact to buy, sell and trade in stocks, bonds, options and any other securities ir accordance with your terms and conditions for the undersigned's account and risk and in the undersigned's name, or number on your books. The undersigned hereby agrees to indemnify and hold you harmless from, and to pay you promptly on demand any and all losses arising therefrom or debi balance due thereon. However, in no event will the losses exceed my investment.

In all such purchases, sales or trades you are authorized to follow the instructions of Bernard L Madoff in every respect concerning the undersigned's account with you; and he is authorized to act for the undersigned and in the undersigned's behalf in the same manner and with the same force and effect as the undersigned might or could do with respect to such purchases, sales or trades as well as with respect to all other things necessary or incidental to the furtherance or conduct of such purchases, sales or trades. All purchases, sales or trades shall be executed strictly in accordance with the established trading authorization directive.

The undersigned hereby ratifies and confirms any and all transactions with you heretofore or hereafter made by the aforesaid agent or for the undersigned's account.

This authorization and indemnity is in addition to (and in no way limits or restricts) any rights which you may have under any other agreement or agreements between the undersigned and your firm.

This authorization and indemnity is also a continuing one and shall remain in full force and effect until revoked by the undersigned by a written notice addressed to you and delivered to your office at 885 Third Avenue but such revocation shall not affect any liability in any way resulting from transaction initiated prior to such revocation. This authorization and indemnity shall enure to the benefit of your present firm and any successor firm or firms irrespective of any change or changes at any time in the personnel thereof for any cause whatsoever, and of the assigns of your present firm or any successor firm.

Dated, April 28, 2003

Very truly yours,

(Client Signature)

Trustee

Signature of Authorized Agent:



Congress has mandated that all interest and dividend payers including banks, corporations and funds must withhold 10% of all dividends or interest paid UNLESS you complete and return the form at the bottom of this page.

#### Important New Tax Information

"Under the Federal income tax law, you are subject to certain penalties as well as with-holding of tax at a 20% rate if you have not provided us with your correct social security number or other taxpayer identification number. Please read this notice carefully.

You (as a payee) are required by law to provide us (as payer) with your correct taxpayer identification number. If you are an individual, your taxpayer identification is your social security number If you have not provided us with your correct taxpayer identification number, you may be subject to a \$50 penalty imposed by the Internal Revenue Service. In addition, divided payments that we make to you may be subject to backup withholding starting on January 1, 1984.

Backup withholding is different from the 10% withholding on interest and dividends that was repealed in 1983. If backup withholding applies, payer is required to withhold 20% of dividend payments made to you. Backup withholding is not an additional tax. Rather, the tax liability of persons subject to backup withholding will be reduced by the amount of tax withheld. If withholding results in an overpayment of taxes, a refund may be obtained".

Please sign the form and return it to us.

Even if you have a requested below be provide		nis_information_it_is_requ	uired by the IRS that all informatio
<u></u>	Thank you fo	or your cooperation.	· ·
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Account Number(s):			Taxpayer Identification Number
· · · · · · · · · · · · · · · · · · ·			57-6200-338
Name: James H	· Cohen	Special Tr	rust
Address: 850 Park Av	enue \$72	New York NY	10021-1845
			ury, I certify that the number shown ect Taxpayer Identification Number

Place fill in your name address, taxpaver identification number, and sign above.

# EXHIBIT 2A

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PLEASE RETAIN THIS STATEMENT FOR INCOME TAX PURPOSES

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PLEASE RETAIN THIS STATEMENT FOR INCOME TAX PURPOSES

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Entered 08/27/09 15:17:11 of 190 DOC 3 Filed 08/29/09 2 Pg 6 08-01789-cgm Main Document 69 Madoff Securities International Limited 12 Berkeley Street Tel 020 7493 6222 Affiliated with Mayfair, London WlJ 8DT YOUR TAX PAYER IDENTIFICATION NUMBER \*\*\*\*\*\*\* AMOUNT DEBITED TO YOUR ACCOUNT 4/30/08 1-CM793-3-0 YOUR ACCOUNT NUMBER PRICE OR SYMBOL 37.540 38-710 52-750 46-200 173.950 25-640 U S TREASURY MONEY MARKET FIDELITY SPARTAN U S TREASURY MONEY MARKET FIDELITY SPARTAN US TREASURY MONEY MARKET U. S. TREASURY MONEY MARKET J.P. MORGAN CHASE & CD DIV 4/04/08 4/30/08 FIDELITY SPARTAN U S TREASURY MONEY MARKET AMERICAN INTL GROUP INC New York, NY 10022 Fax (212) 838-4061 885 Third Avenue ABBUIT LABORATORIES (212) 230-2424 800 334-1343 DESCRIPTION SECURITY POSITIONS CONTINUED ON PAGE CISCO SYSTEMS INC BANK OF AMERICA CHEVRON CORP FIDELITY SPARTAN CITI GROUP INC DIV 04/23/08 NEW BALANCE APPLE INC ATET INC 71883 61707 34368 57309 A N 10021 PLEASE RETAIN THIS STATEMENT FOR INCOME TAX PURPOSES SOLD DELIVERED OR SHORT BERNARD L. MADOFF INVESTMENT SECURITIES LLC 850 PARK AVENUE #7C New York 

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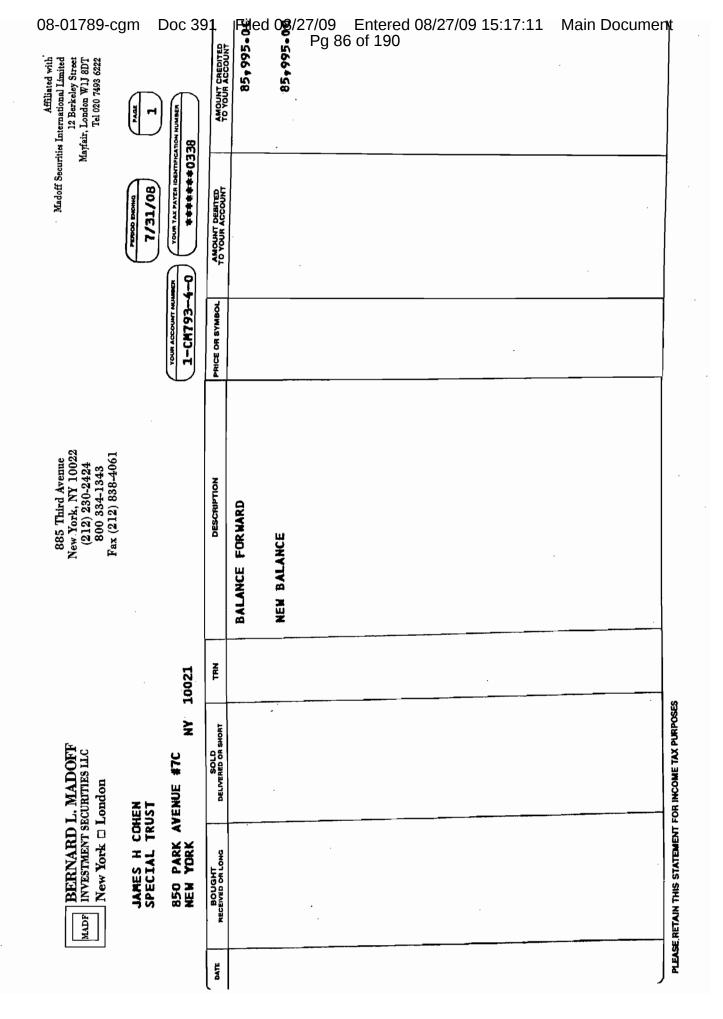
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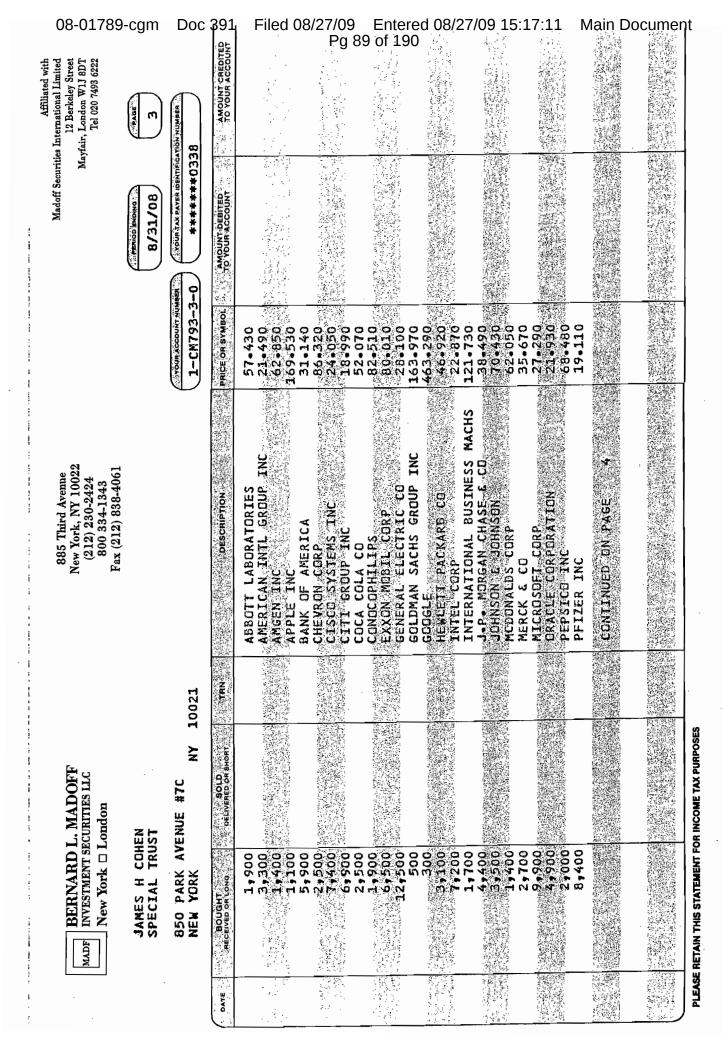
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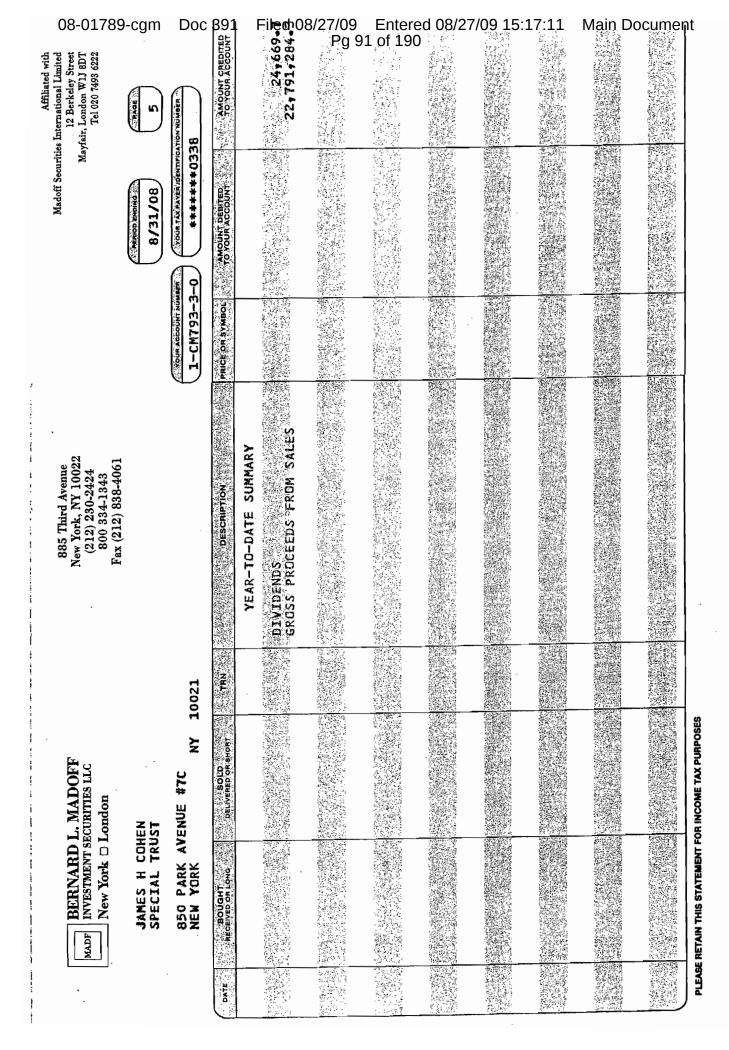
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TO YOUR ACCOUNT Madoff Securities International Limited Affiliated with 12 Berkeley Street Mayfair, London W1J 8DT Tel 020 7493 6222 PAGE YOUR TAX PAYER IDENTIFICATION HUMBER \*\*\*\*\*\*\* 365,894.88 3,943.00 365,894,88 AMOUNT DEBITED TO YOUR ACCOUNT 10/31/08 PERIOD ENDING 1-CM793-3-0 YOUR ACCOUNT NUMBER MKT PRICE PRICE OR SYMBOL DIV DIV DIV DIV DIV 99.923 99-879 SHORT PHILLIP MORRIS INTERNATIONAL MARKET VALUE OF SECURITIES U S TREASURY MONEY MARKET FIDELITY SPARTAN U S TREASURY MONEY MARKET U S TREASURY BILL New York, NY 10022 (212) 230-2424 800 334-1343 Fax (212) 838-4061 CDCA COLA CO DIV 9/15/08 10/01/08 HEWLETT PACKARD CO SCHLUMBERGER LTD DIV 9/03/08 10/03/08 885 Third Avenue 9/10/08 10/01/08 01V 9/05/08 10/01/08 DIV 9/15/08 10/10/08 12/18/2008 U S TREASURY BILL DUE 2/12/2009 2/12/2009 DESCRIPTION SECURITY POSITIONS FIDELITY SPARTAN BALANCE FORWARD DUE 12/18/2008 NEW BALANCE LONG 5,991,704.50 MERCK & CO 7034 Ž 10021 PLEASE RETAIN THIS STATEMENT FOR INCOME TAX PURPOSES ž BERNARD L. MADOFF INVESTMENT SECURITIES LLC SOLD PELVERED OR 850 PARK AVENUE #7C NEW YORK New York | London JAMES H COHEN SPECIAL TRUST 3,943 48,882 50,000 5,900,000 BOUGHT RECEIVED OR LONG MADF 10/10 10/01 10/01 10/01 10/03 10/31 DATE

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08-01789-cgm Doc 391 Filed 08/27/09 Entered 08/27/09 15:17:11 Main Document Pg 102 of 190 AMOUNT CREDITED Mayfair, London W1J 8DT Tel 020 7493 6222 12 Berkeley Street Madoff Securities International Limited PAGE YOUR TAX PAYER IDENTIFICATION NUMBER \*\*\*\*\*\*\* 131,516.89 257,736.34 227,369.35 88,581.40 106,862.65 101,621.58 97,377.30 271,922.45 109,033.40 240 \$ 503 · 49 145,280.98 180,174.34 100,817.48 142,921.00 170,011.40 94,439.29 140,536.04 136,023-29 302,389.28 365,894.88 601,808.64 AMOUNT DEBITED TO YOUR ACCOUNT 11/30/08 YOUR ACCOUNT NUMBER 1-CM793-3-0 PRICE OR SYMBOL 43.600 21.810 56-410 100-780 55.370 28.550 2.880 64.080 3.770 12.510 49-480 87.270 59.580 38.530 16.940 54-610 59.160 21-590 6.510 14.510 44.660 WAL-MART STORES INC INTERNATIONAL BUSINESS MACHS PHILLIP MORRIS INTERNATIONAL BANK OF AMERICA New York, NY 10022 Fax (212) 838-4061 885 Third Avenue (212) 230-2424 800 334-1343 ABBUTT LABURATORIES JOHNSON & JOHNSON PRUCTER & GAMBLE CO PEPSICO INC APPLE INC PFIZER INC ORACLE CORPORATION DESCRIPTION CONTINUED ON PAGE EXXON MOBIL CORP COCA COLA CO MCDONALDS CORP MERCK & CO MICROSOFT CORP BALANCE FORWARD CITI GROUP IN INTEL CORP DMCAST CORP AMGEN INC 11857 16183 20508 24834 229160 33486 37812 50790 51292 55118 59442 59944 63768 2703 3205 7029 64270 46089 1531 55618 72922 TRN 10021 PLEASE RETAIN THIS STATEMENT FOR INCOME TAX PURPOSES ž BERNARD L. MADOFF INVESTMENT SECURITIES LLC 850 PARK AVENUE #7C New York | London JAMES H COHEN SPECIAL TRUST 3,144 1,834 3,406 2,445 1,703 2,227 8,253 9,039 4,323 5,895 2,489 6,288 0,611 2,489 7,860 BOUGHT RECEIVED OF LONG MADF DATE

08-01789-cgm Doc 391 Filed 08/27/09 Entered 08/27/09 15:17:11 Main Document Pg 103 of 190g 48,882-00 AMOUNT CREDITED TO YOUR ACCOUNT Mayfair, London W1J 8DT 12 Berkeley Street Tel 020 7493 6222 Madoff Securities International Limited YOUR TAX PAYER DENTIFICATION NUMBER 8560\*\*\*\*\*\* 123,912.58 240,614-25 83,629.52 135,624-14 132+613-20 164,179,60 137,314.00 160,370,99 81,347,03 251+499+00 327,249.31 AMOUNT DEBITED TO YOUR ACCOUNT 11/30/08 1-CM793-3-0 YOUR ACCOUNT NUMBER PRICE OR SYMBOL 337-400 52-510 53.160 19.630 30-410 99-936 29-530 16-730 U S TREASURY MONEY MARKET U S TREASURY MONEY MARKET UNITED TECHNOLOGIES CORP WELLS FARGO & CO NEW VERIZON COMMUNICATIONS New York, NY 10022 Fax (212) 838-4061 885 Third Avenue (212) 230-2424 800 334-1343 GENERAL ELECTRIC CO U S BANCORP CHEVRON CORP HEWLETT PACKARD CO U.S. TREASURY BILL DUE 12/18/2008 CISCO SYSTEMS INC U S TREASURY BILL DUE 2/12/2009 FIDELITY SPARTAN FIDELITY SPARTAN FIDELITY SPARTAN CONOCOPHILIPS CLASS B SOUGLE 77248 CAN 89724 90226 94050 94552 98376 16087 25456 81574 85398 85900 20989 98878 10021 48,882 5,900,000 PLEASE RETAIN THIS STATEMENT FOR INCOME TAX PURPOSES ž BERNARD L. MADOFF INVESTMENT SECURITIES LLC 850 PARK AVENUE #7C NEW YORK New York | London JAMES H COHEN SPECIAL TRUST 393 3,275 2,751 45454 2,358 16,637 1,572 9+563 BOUGHT MADF zi . 1/12 1/12 1/12 1/12 1/12

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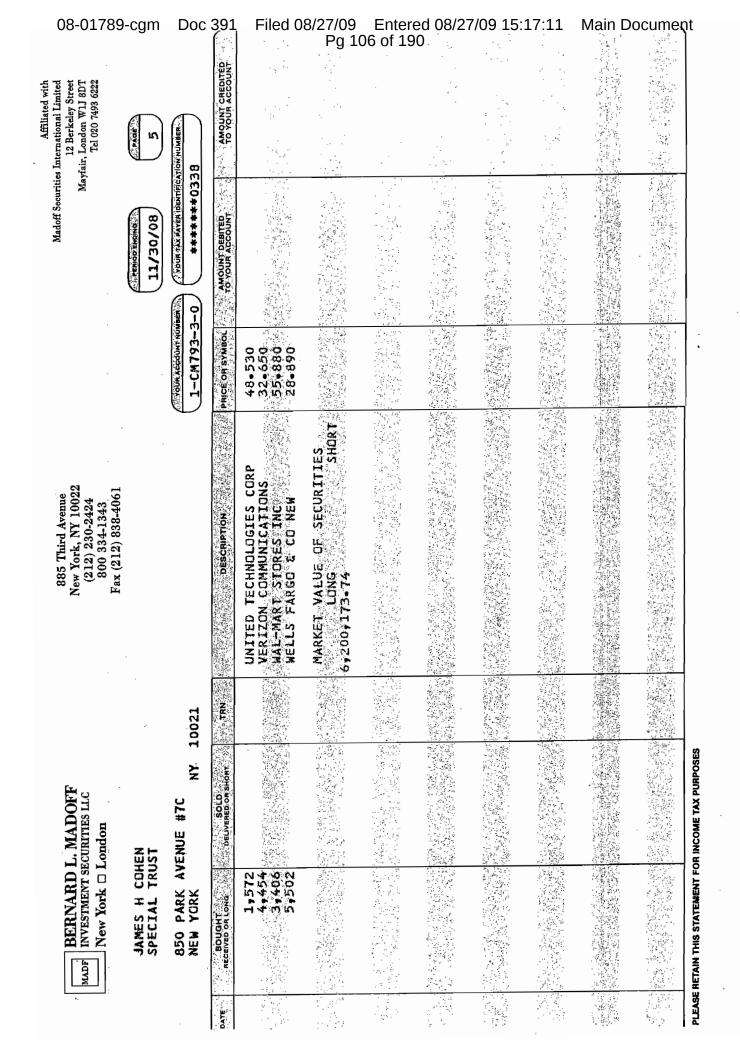
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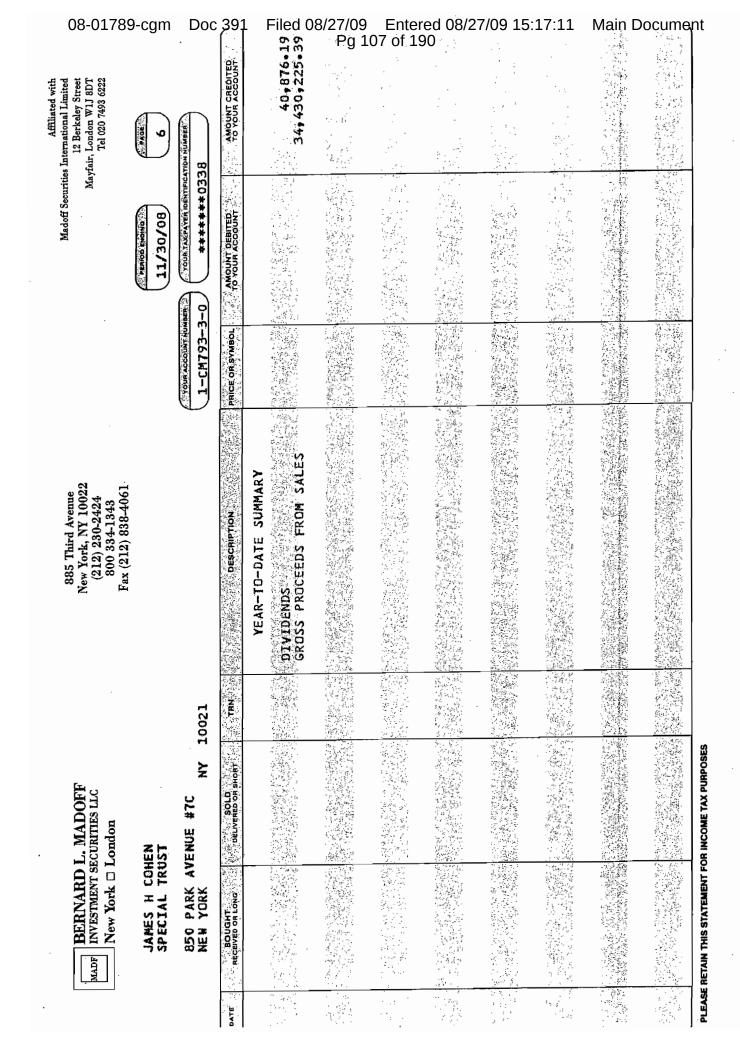
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# EXHIBIT 3

08-01789-cgm Doc 391 Filed 08/27/09 Entered 08/27/09 15:17:11 Main Document Pg 110 of 190

# Investors in Bernard L. Madoff Investment Securities LLC Deposits to James H. Cohen Special Trust, Fidelity Account Z43-307793, A Pass-Through Grantor Trust, Invested Solely in Bernard L. Madoff Investment Securities LLC, Account 1-CM793-3-0, 1-CM793-4-0 November 30, 2008

Investor Name,	Social	Invested	Date Of	Check	Bank	Investor	Stated
Address and Tel.	Security	Amount	Deposit	Number	Drawn	Total	Value
A LUGIOUS MILL, I OI.	Number	(\$)	2 oposit	110111001	On	(\$)	11/30/08
Morrie Abramson	462488445	650,000	4/28/03	2520	Chase	650,000	1,166,008.03
1400 Post Oak Blvd,							,
Suite 808							
Houston TX 77056							
(713) 965-0900 Barry E. Kaufman	451565550	500,000	4/28/03	8909	Bk of Am		
5110 San Felipe St,	431303330	150,000	6/28/07	Wire tfr	Charles		
Unit # 182W		100,000	12/31/07	Wire tfr	Schwab	750,000	1,183,295.01
Houston, TX 77056		100,000	12.51.61			,	
(713) 850-7986							
James H. Cohen	092300113	650,000	4/28/03	1086	UMB,	650,000	1,166,008.03
850 Park Ave., 7C					Utd Bk of		
New York NY 10075					Missouri		
(212) 249-1459 Robyn C. Berniker	124647653	125,000	12/23/04	292	Chase		
7 Clearmeadow Ct.	12404/033	123,000	6/23/05	20903683	Chase		
Woodbury NY 11797		100,000	6/23/05	20903684	Chase	325,000	488,101.36
(516) 692-5862		,				,	
Alan D. Garfield	131286226	125,000	12/23/04	1998	Chase		
675 3 <sup>rd</sup> Avenue		100,000	4/14/05	1129	Chase		
Suite 1606		100,000	12/18/06	1138	Chase	275 000	500 000 00
New York NY 10017 (212) 661-0333		50,000	12/26/07	858255756	Chase	375,000	522,083.30
Marion Garfield	061325842	125,000	12/23/04	231	Chase		
150 East 69 <sup>th</sup> St., 20P	001323042	100,000	6/23/05	1004	HSBC		
New York NY 10021		25,000	12/26/07	858255755	Chase	250,000	368,070.45
(212) 737-3222							
Erin M. Hellberg	065628510	125,000	12/23/04	528	Fleet		
5 Galleine		100,000	6/24/05	37489629	Bk of Am	. 075 000	205 525 64
Commack NY 11725		50,000	12/26/07	858255757	Chase	275,000	395,725.64
(631) 543-5575 Marian Cohen 2001	463607008	300,000	4/20/05	1001	UMB		
Residential Trust	403007008	125,000	6/27/06	1016	UMB	425,000	617,074.04
850 Park Ave., 7C		123,000	5.27700	1010	52.25	.25,000	,
New York NY 10075							
(212) 249-1459							
BK Interest LLC	840519832	55,000	12/23/05	1003237779	Fiserv		
% Fisery Investments		103,200	12/26/06	1003270502	Trust	150 200	204 727 88
Account # 031038002070					Co.	158,200	204,727.88
P. O. Box 173301							
Denver CO 80217							
(713) 850-7986							
Total		3,858,200				3,858,200	6,111,093.74

N.B.: No funds have been withdrawn at any time.

# EXHIBIT 4

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FROM: (Page 3 of 5)

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Feb. 13 2009 07:28PM P7

James H. Cohen 850 Park Ave. #7C New York NY 10021

April 2, 2003

Fidelity Investments PO Box 5000 Cincinnati OH 45273-8699

Ladies and Gentlemen:

I am enclosing documents to open a trust account.

Kindly send duplicate confirmations and statements to:

Barry E. Kaufman 9121 Briar Forest Houston TX 77024

Morrie K. Abramson and to:

1400 Post Oak Blvd. Suite 808

Houston TX 77056

Thank you.

Sincecely

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FIMS\_RETAIL:173428814

(Fage 1 of 5)

James H. Colien Special Trust

NEW YORK NY 1002 ONSTATISE KIRK

1 Account Setup

### Trust — Fidelity Account™ Application

### \$2,500 minimum to open account

Address and Phone Number: Permanent street address is required. Please provide If different from the address indicated at left,

Permanent Street Address (no P.O. Boxes) ------

Mailing Address (if different from above)

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James H. Cohen Special	Truct Mar	Pg 114 of 190	Koufmay + Jomes H. Cohen S	7-1200338
Name of Trust	Date of Trust	For the benefit of	Tax Identification (or Social Secu	
2 REQUIRED INFORMA	This information	must be provided in accordance o	with industry regulations	
	~~	Trusteel	Trustee2	
Name (First, MI, Last);	James	H. Cohen	//	<u> </u>
Date of Birth (Month/Day/Year):	092 3	~ ~		
Social Security Number: Phone Numbers:	<del>- , , , , , , , , , , , , , , , , , , ,</del>	249 1459	Home ()	
Time (vambers,	Work ()	<u> </u>	Work ()	
E-mail:	Jcoken49	genyc.rr.com		
Citizenship: Country of citize	enship: 🔯 U.S. 🗆 Othe	r	□ U.S. □ Other	<u> </u>
Country of tax resi	dence: LIDJS. LIDiho	r	. LJ U.S. LJ Other	
Employment Status:	☐ Employed 🏂	Retired D Not employed	□ Employed □ Retired □ P	lat employed
Occupation: (If retired or not empli indicate source of income)	Investme	nts		
Employer's Name and Address:				
Affiliations:				·
. Are you affiliated with or employe	d by 🔲 Ycs, with		Tyes, with	
a stock exchange or member firm	. ,	)	(see instructions)	
an exchange or the NASD, a muni securities broker/dealer, or by Fido	cipal ⊠No clity?		□ No	
» Are you a "control person" or "affilia	. 1	mbol:		
public company as defined in SEC I This would include, but is not neces			• •	
limited to, 10% shareholders, policy executives, and members of the Board	-making. 🖾 No		□ No	-7
	or Directors,			
3 FINANCIAL PROFILE	OF TRUST	5 FUNDING	YOUR ACCOUNT	φ
Investment Objective See supplemental information booklet	Annual Income (from all sources)	By Check		mble to (**)
for descriptions (choose up to two)	Under \$20,000	I have enclosed a cl National Financial	seck for \$ made pay Services LLC, to be deposited to my cor	able to (*) enccount, (G)
Preservation of Capital	2 \$20,000-\$50,000	Please purchase a m	utual fund(s) as indicated below, i underst	and the lund(s) 🔘
1 Income Aggressive Income	□, \$50,001-\$100,000 □, Over \$100,000	can only be purchas been debosited in m	ed consistent with its prospectus and after ny core account. I have read the prospectus	my check has
, Growth	_,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	tional transity and thind	Nome	
Speculation Estimated Net Worth	Estimated Liquid Net W	Fund Symbol	Senerally \$2,500 intulal (	nur bate minimum *
(excluding residence)	□ Under \$15,000	Fund Family and Fund	Name	
☐, Under \$30.000 ☐, \$30,000-\$50,000	☐, \$15,000-\$50,000 ☐, \$50,001-\$100,000	Fund Symbol	Senerally \$2,500 initial	Dischase minimum (7)
<b>550,001-\$100,000</b>	□ <sub>3</sub> \$100.001-\$500.000	Transfer from Ot	ther Firm	υ)
□, \$100,001-\$500,000  ⊠. Over \$500,000	<b>2.</b> Over \$500,000	il i am transferring me a Transfer of Assets	oney or securities from another firm and form (see attached form).	have included 🔘
Federal Tax Bracket		Transfer from Ex	isting Fidelity Account	
□, < 15% □, 25%-27%%		lam transferring all fund and/or Fidelity	l shares or positions from my non-retiren y Account(s), as follows:	
1, 2,5%-2,7 % % 1, > 2,7 % %		T-		9 9
4 CORE ACCOUNT				תי
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Other (see instructions) Fisherity	Tax Free Hones Ma	Net Fund #275		Ø
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	<b>,</b>
5 FUNDING YOUR ACCOUNT (CONTINUED)	9 SIGNATURE (CONTINUED)
Depositing Certificates	transactions will be governed by the terms and conditions of all other account agree-
I um depositing appropriately endorsed certificates.	ments applicable to this account.  - Me, the Trustees, jointly and severally, indemnify you and hold you harmless from any
Fidelity land minimums are generally \$2,500. Higher minimums apply for Fidelity lands, municipal bond lands and some money market lands; see prospectus for more information. For non-Fidelity funds see prospectus for minimums.	claim, loss, expense, or other liability for effecting any transactions, and acting upon any iostructions given by the Trustees. We, the Trustees, certify that any and all transactions effected and instructions given on this account will be followed probleme with the Trust.  We, the Trustees, agree to inform you by witing of any change in the composition of the Imasees, or any other event that could alter the certifications made above.
6 OVERDRAFT PROTECTION AND MARGIN CREDIT	<ul> <li>We, the Trustees, agree that any information we give to Pidelity on this account will be subject to verification, and we outherize you to obtain a credit report about me tain of us?</li> </ul>
☐ Check here to be considered for margin borrowing.	individually at any time. Then writen request, Eddiny will provide the name and address of the credit reporting agency used
7 Active Trader Services	<ul> <li>Lackmonledge that I have read, understeed, and agree to be bound to the terms and, conditions set fouth in the Customer Appropriat as an currently in effect and as may be amended from time to time, I am at least 18 years of age and of full legal age in the state</li> </ul>
Check below to be considered for our active trader services and discounted commissions if you plan on mading at less 36 times over a rolling 12-month period and will have at least \$30,000 in assets at Fidelity.	in which I reside. I understand that, upon issuer's request in accordance with applicable in the sade equations, you will supply my name to issuers of any securities lield in my account see I might sective any important information regarding them, unless I noully you in writing not to do so.
t plan to tracle (2) 36-71 times (2) 72-239 times (2) 240(+) times	. I understand that the Customer Agreement and its enforcement shall be governed by
8 ACCOUNT FEATURES	the laws of the Commonwealth of Massachusetts, it shall cover individually and collectively all accounts that I may open or tropen with Pidelity, it shall source to the
By selecting the features below, I acknowledge I have read and agree to the terms set forth in the Customer Agreement.	benelia of Fideluy's successors and assigns, whether by merger, consoludation, or other- wise. Fidelity may transfer my account to its successors and assigns, and this Agreement shall be binding upon my heirs, executors, administrators, successors, and assigns.
Cash Management Features  Mutual Fund Distributions: All distributions from mutual funds held in your account will be reinvested in the fund unless you check here.	<ul> <li>I bearing authorize (ridelity, upon receiving austractions from me, to make payments of amounts representing redeciptions by me or distributions payable to me by miniming cred- it or debit critics to the bank account "Bank" indicated on the attached "voided" clock 1 authorize and request Bank to accope such critics from Fidelity, and to credit or debit, as</li> </ul>
Fidelity Money Line*  Yes, I wish to establish Money Line. A volded check from my bank is anached to this application.	indicated, my account in the Bank in accordance with these entries. I understand that Fudelity will not be liable for any loss, expense, or cost arising out of my instructions provided that it institutes reasonable procedures to preferat unauthorized transactions, I acknowledge that this authorization may only be recorded by providing written motice of the providing with the probability of the providing and state of the providing artiflets motice of the providing and state of the providing and state of the providing artiflets motice of the providing artiflets and the providing artiflets and State or accomplish and the provided that the providing artiflets are stated to the providing artiflets and state or provided that the providing artiflets are also as the providing artiflets and state or provided that the providing artiflets are also as the providing artiflets are also as a providing artiflets and state or provided that the providing artiflets are also as a providing artiflets and the providing artiflets are also as a providing artiflets and the providing artiflets are also as a providing artiflets and the providing artiflets are also as a providing artiflets and the providing artiflets are also as a providing artiflets and the providing artiflets are also as a pro
Checkwriting  X Yes, I wish to establish checkwriting, Sign and ontach the checkwriting	revocation to Fidelity, in such time and manner as alkend Fidelity and Rank a reasonable opportunity to act upon h.  If I am a U.S. person, I certify under penalties of perjury that; (1) I am a U.S. person
signature card located on the last page of this booklet and return with this application.	(Including a U.S. resident elica) and the Social Security or trapayer identification number provided above is correct; and (2) I am not subject to IRS backup withholding because; (a) I am exempt from backup withholding; or (b) I have not been notified by:
Fidelity BillPay®	the IRS that I am subject to backup withholding as a result of a failure to report all
Yes, I wish to establish BillPay. I understand that if I do not have or maintain a balance of \$30,000 worses certain accounts, a monthly fee for this service may be assessed.	interest or dividends; or (c) I have been notified by the IRS that I am no longer subject to backup withholding. (Cross out liem 2 if it does not apply to you.) If I am not a U.S. person, and I am submitting IRS Form W.8 BEN, Certificate of Foreign Status of Benelicial Owner for United States Tax withholding, with this form to certify my
Additional information and forms are available at	foreign status and, if applicable, claim 12x treaty benefits.
Fidelity.com for the following account features.	<ul> <li>The Internal Revenue Service does not require your consent to any provision of this document other than the certifications required to work backup withholding.</li> </ul>
Also available with a \$2,500 minimum balance in your account:  Direct Deposit  Fidelity Automatic Account Builder*	<ul> <li>The following clouse referring to lending of securities applies only to those accounts eligible and approved for margin. Lunderstand that UGMA/UTMA, estate, and other non-trust liduciary accounts cannot use margin. I hereby nathorize Fidelity to lend.</li> </ul>
Park Maria	handlaste or religions divide an entertal or with the moments of other to

- Direct Deposit
- Fidelity Automatic Account Builder\*
- Bank Wire

Available with a \$5,000 minimum balance in your account

Fidelity Debit Card

Available with a \$30,000 minimum balance in your account

Fidelity AccessLine

### 9 SIGNATURE

Each trustee must READ the separate Customer Agreement and SIGN this section in ink.

On behalf of the Trust, I hereby request Fidelity Brokerage Services LLC and National Financial Services LLC (collectively "Fidelity" or "you") to open a Fidelity Account in the mane of the Trust listed as account of one or in this application. The Trustees hereby certally the following:

Trust listed as account olemer on this application. The Trustees hereby certally the following:

Fidelity has the authority to accept orders and either instructions relative to the Trust accounts identified herein from those individuals listed in Section 2. The trustee(s) may execute any documents on behalf of the Trust that you may require. By signing this form, the Trustee(s) hereby certifyles) that you are authorized to follow the instructions of any Trustee and to deliver funds, accurities, or any other assets in the Fidelity Account to any Trustee or on any Trustee's instructions, including delivering assets to a Trustee personally. Fidelity, in its sole discretion and for its sole protection, may require the printer consent of any or all Trustees prior to acting upon the instructions of any Trustee.

There are no other Trustee(s) of the Trust other than those listed in Section 2 or identified on a separate piece of paper situched to this application.

Should only one person execuse this agreement, it shall be a representation that the Africa is the sole Trustee. Where applicable, plural references in this certification shall be deemed singular.

singular.

singular.

We, the Trustees, have the power under the Trust and applicable law to enter into the transactions and Issue the Instructions that we make in this account. Such power may include, without limitation, the authority to buy, self (including short sales) exchange, convert, tender, redeem and withdraw assets (including deliverty of security to and from the account), and to trade accurities on margin or otherwise (including the purchase and/or sale of option contracts) for and at the risk of the Trust. We understand that all orders and

Fidelity Investments is a registered trademark owned by FNR Corp. Accounts are carried with our alliliste, National Figancial Services LLC, a member of the New York Stock Exchange and other principal exchanges. Fidelity Investments, P.O. Bux 5000, Cancinnat, OH 45273-8699

SIGNATURE OF TRUSTEE 2

☐ Margin □ ATP Cash For Fidelity Use Only Account # Assigned Reg. Rep. Approving Manager's Signature

hypothecate, or re-hypothecate, separately, or with the property of others, either to yourselves or to others, any property you may be carrying for me on margin. This authorization applies to all my occounts you carry and shall remain in force until

you receive written andre of revocation at your main office in Boston. MA.

This account is governed by a predispute arbitration chause, which is found in Section 18 of the Customer Agreement—acknowledge receipt of the predispute arbitration chause.

SIGNATURE OF TRUSTER 1

Date (month, day, year)



Fidelity Account is a service of Fidelity Brokerage Services LLC, Member NYSE, SIPC Pustrumpapp 0702

FIMS\_RETAIL:173428814

Date (month, day, year)

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(Page 4 of 5)

H, SAMES COHEN
B50 PARK AVE # 7C
NEW YORK NY 10021-1845

### Checkwriting for Non-Retirement Business/Trust/Fiduciary Fidelity Accounts

Customer Information		
James H. W	Len Special Trust 57-620 Social Security or TIN	<i>ᲔᲑ</i> ᲙᲕ&
Name of Business/Trust	Social Security or TIN	
Brokerage:		
or		
Mutual Fund	Name Mutual Fund Account Num	uber
Ecching Phone: ( 2 19	2 249 - 1459	
Daviene Phone: (312	L) 249 - 1459	

Use this form to add checkwriting to the following Fidelity account registrations: Business/Trust/Partnerships/Sole-Proprietorship/Conservator/Guardlan/Church or Religious Order/Unincorporated Association/Investment Club/Estate.

Complete the Customer Information section above and the signature card. Make sure the address you have on file with Fidelity is correct, as checkbooks will be sent to your record address. To update your address, visit us at Fidelity.com. Checking activity will be reported on your statement, and canceled checks will not be returned. If you need a check copy, call us or request a copy at our Web site (a fee may apply).

For Brokerage Accounts: A minimum account balance is required. You may further personalize the information appearing on your checks by completing Section 1.

For Mutual Fund Accounts: Checkwriting is available only for money market funds and certain bond funds, and most funds have a \$500 minimum on checks. Refer to the prospectus to be sure your fund offers checkwriting. Your name and address will be printed on the checks.

Note that for bond funds, the share price and your account balance may change daily. If unsure, verify your balance prior to writing a check, and leave a sufficient amount to cover possible price changes. Check redemptions from bond funds are reportable events for tax purposes.

If you have any questions, call us at 800-544-6666.

Return the completed form to: Fidelity Investments, PO Box 770001, Cincinnati, OH 45277-0002

		Please continue
********		For Fish liber one make
_	Fidelity Investments	For Fidelity use only 999743307793
1	Signature Card for Checkwriting	-
	Do not detach this card. Use a blue or black pen, and print clearly in CAPF	TAL LETTERS.
	This card supersedes any signature card  This card provide already on file for the same account.  Indicate the number of signatures required to honor a check. If no box is clearly the same account.	
	✗ One signature Two signatures (for husiness accounts only)	
	Account Number: Brokerage or I	Autual Fund
	JAMES H. COHEN Jecolds	
	Authorized Netson	

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1 Brokerage Account Check Personalization
Your name and address will be printed on checks, but you may customize them with the following options:
Mame(s) Only
☐ Name(s), Address, and Daytime Telephone Number
☐ Name(s), Address, and Evening Telephone Number
Important Reminders:
<ul> <li>All owners must complete the signature card. Print your name(s) at left, and sign within the box(es) to the right.</li> <li>For UGMA/UTMA accounts only the custodian should sign.</li> <li>For business accounts all authorized persons should sign.</li> </ul>
2 DOCUMENTATION TO ADD OR CHANGE A SIGNATURE
Please provide the following documentation in order to add or change an individual(s) checkwriting privileges:
Business Accounts
☐ Certified Copy of the Corporate Resolution, dated within 60 days documenting new signers
Signature Guarantee of an Officer other than new signers
Trust Account
Signature Guamntee of current trustee
Trust Certification of investment power form
Piduciary
Signature guarantee of person authorized to act on behalf of the account.
Documentation authorizing the person to sign on behalf of the account. If you are unsure, call Fidelity for instructions.



316324

PO Box 770001, Cincinnati, OH 45277-0002 Fidelity Distributors Corporation Fidelity Brokerage Services LLC, Member NYSE, SIPC.

U.120-SCP-0201 1.753019.101

By signing this signature card on the reverse side, the signatory(ies) agree(s) to be subject to the terms and conditions, guidelines, and rules applicable to your account as now in effect and as amended from time to time, of the fund(s), and of UMB Bank, N.A. ("the Bank"), as they pertain to the use of redemption checks; therefore, all registered owners must sign this signature card. All checks will require only one signature unless otherwise indicated on the face of this card. Each signature guarantees the genuineness of the other's signature on this card.

The Bank is hereby appointed agent by the account holders signing this eard and, as such agent, is directed to request redemption of shares of such Fidelity fund(s) or cash in the core account as designated by the account holders from time to time, and as recorded on Fidelity's records, upon receipt of, and to the amount of, checks drawn upon this account(s). In so acting, the Bank shall be liable only for its own negligence. Account holders will be subject to the Bank's rules, regulations and associated laws governing check collection including the Uniform Commercial Code as enacted in the State of Missouri.

It is further agreed as follows for mutual fund accounts:

- 1. All items, with the exception of those drawn on Spartan\* money market funds and Fidelity Municipal Money Market Fund, must be for a minimum of \$500 (or such other minimum amounts as may from time to time be established upon prior written notice to the shareholders, including the accounts of Spartan money market funds and Fidelity Municipal Money Market Fund), or they may be returned to the shareholders marked "Refer to Maker."
- X. This carebsupersedes any card already on file for the same . T Master-Account, fund, or account number,
- Refer to the fund prospectus for minimum check amounts and any applicable fees.
- You may obtain a copy of the "Statement of Terms and Conditions" applicable to your account by calling Fidelity.

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Page 1 of 1)

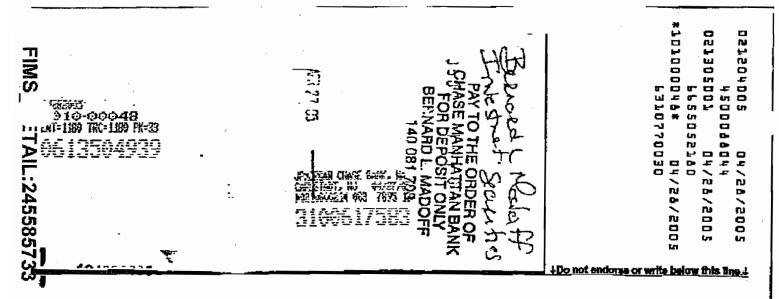
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•	Co-Owner (or Truster/Authorized Person)	Social Security or Tax ID Number
Use this form to authorize Fidelity to	send duplicate statements of your account(	s) to another individual ("interested
party"). Complete the customer info	rmation above, and sections one, two, and th	ree.
Return this form to Fidelity Investi visit us at Fidelity.com or call us at 8	ments, PO Box 770001, Cincinnati, OH 45 00-544-6666.	3277-0002. If you have any questions,
1 ACCOUNT INFORMATION		
Provide the account numbers you are rec	questing to have a duplicate statement be mailed (	to an interested party.
Brokerage Account(s)	Mutual Fund Accoun	·
243-307793		
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2 INTERESTED PARTY INSTR	UCTIONS	
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Send copies of the brokerage statemen	• •	•
Send copies of my/our entire Customs	er Account statement. A Customer Account states	nent contains the same information
includes accounts of other members of	tly receive, including mutual fund and brokerage of your household, their accounts will be included	in the interested party statement and
all applicable members of the housels	old must sign this request.	
Interested Party Information		
Barry F. Kan man	Company (if uny)	
5110 San Falibe	182 W Houston	Tx 77056
failing Address	City	State ZIp Code
hydrone Telephone Number		
Ayung Leephane (Aumner		
3 AUTHORIZATION & SIGNA	TURES	
All account owners must sign the form to		
SIGNATURE OF OWNER	SIGNATURE OF CO-	OWNER/
DUST-E/AUTHORIZED INDIVIDUAL	Date TRUSTEE/AUTHORIZ	
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Fidelow-	1/13/06	
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70855	<b>C)</b> Fidelity	U123-547-0404
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	PO Box 770001, Cincinnuti, OH 45277-0002	
1 555684 455	Fidelity Distributors Corporation Fidelity Brokerage Services LLC.	
1.753498.103	Member NYSE, SIPC	006570001

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## EXHIBIT 4A



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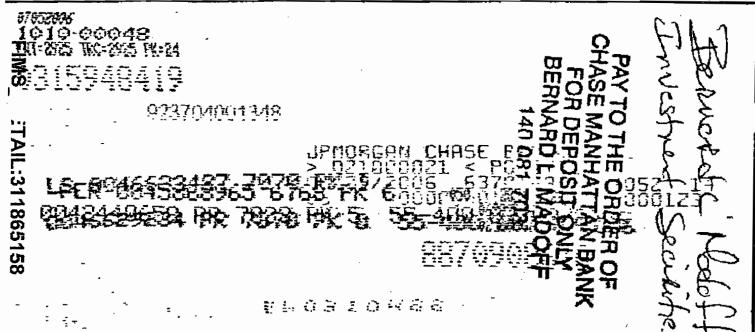
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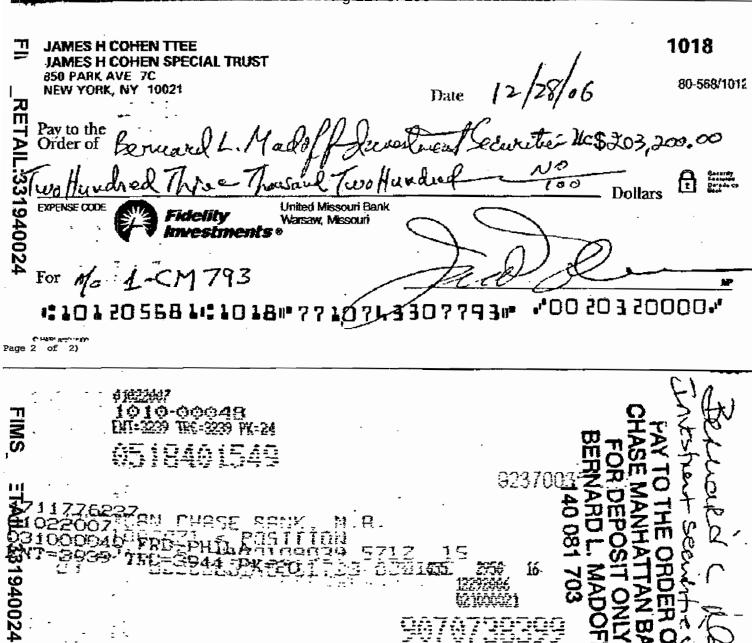
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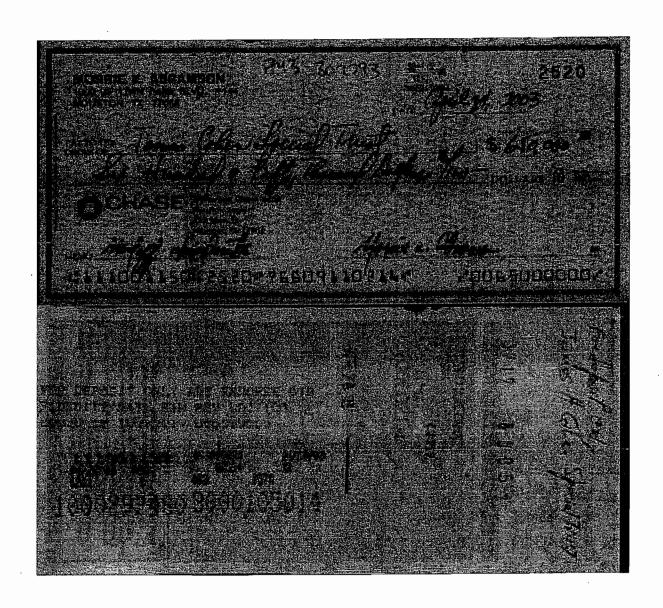
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# EXHIBIT 5

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MINNEC H Color	in Special Thist	Account Number	<u>- 307 77 </u>	<u> </u>
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108 *B3RPR28pw12:46ET	4. Rollover	8EK	. 8909	500,000 -
	5. Direct Corporate Rollover			
	6. ROTH Conversion		·	
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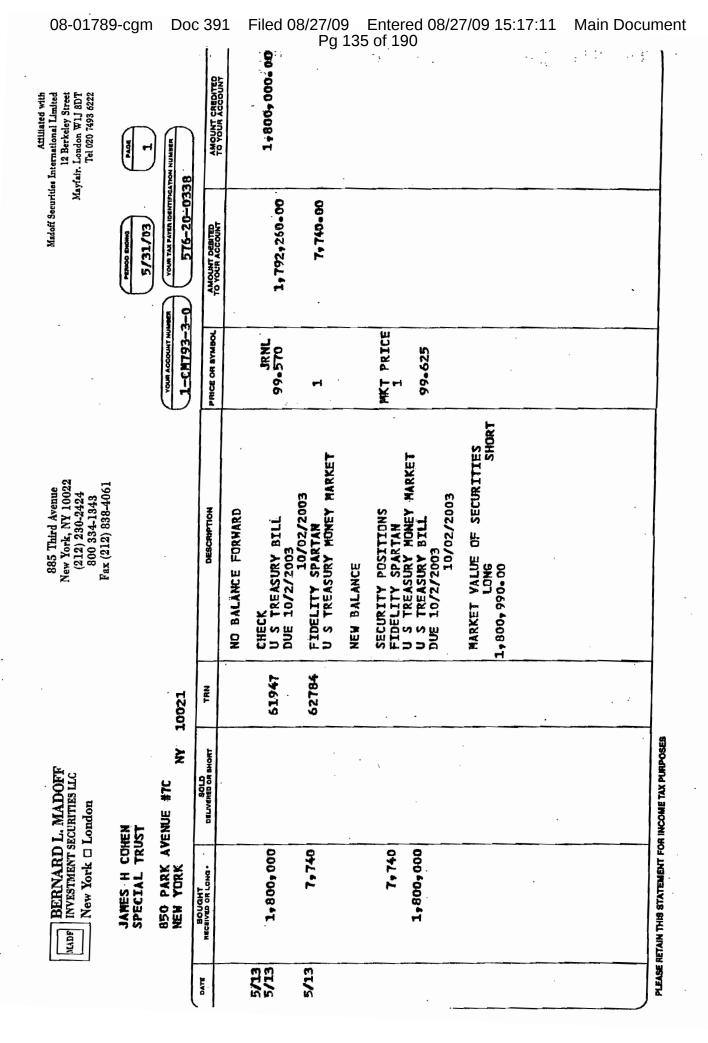


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# Additional Information About Your Investment Report

An additional copy of your investment Report has been sent to the sent to the



# EXHIBIT 6

Investments  Fidelity Brokerage Service	en Sprace Trust	Account Number	30779	3
() IE()	W - WITTY III	This shaded section is required if your Fidelity Account No. begins with 2AA	List Check(	s) Individually
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	5. Direct Corporate Rollover			
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!	7. Transfer of Assets	TOTAL	TOTAL	1 0000
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Internal use only	9. 🗌 Keogh	Brokerage accounts will have deposits credited to y balances while awaiting reinvestment. All transaction Fidelity registered representative or through a Fidelity registered representative or through a Fidelity.	rour Core money man ns involving these fun lity Automated Tradin	ds must be placed with a
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Barry Kaufman 7138507986 >>

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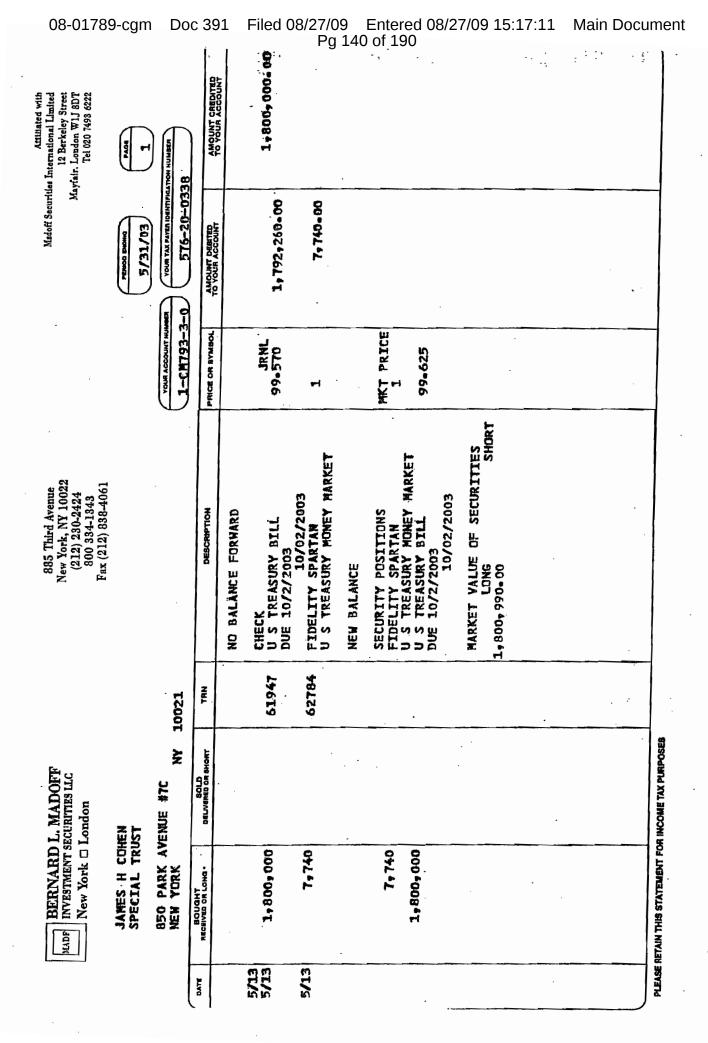
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Additional Information About Your Investment Report

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FROM:

Pg 141 of 190

JAN-09-2009 FRI 04:39 PM Four-Leaf Towers

FAX NO. 7135529919

P. 04

### charles SCHWAB

January 5, 2009

Account #: \*\*\*\*-\*201 Questions: 1-800-472-9813

Feb. 09 2009 11:01PM P1

Judith Kaufman, Barry Kaufman 5110 San Falipe St Unit 182w Houston, TX 77056

### important information about your wire transfer(s).

Deer Judith Kaufman and Barry Keufman,

Wa're writing to provide the information you recently requested about a wire transfer(s) from the Schwab account referenced above. Following are the details of the transaction(s):

Date of Transfer:

April 22, 2003

Confirmation Number:

FED REF # 20030422B1Q8021C003311 BARRY E KAUFMAN & JUDITH KAUFMAN

Beneficiary Name;

BANK OF AMERICA, N.A.

Beneficiary Bank: Amount:

\$500,000.00

Date of Transfer:

June 28, 2007

Confirmation Number:

FED REF # 0628/187036R000294 JAMES H COHEN SPECIAL TRUST

Beneficiary Name: Beneficiary Bank:

NATIONAL FINANCIAL SERVICES FINANCIAL

INSTITUTION US

Amount!

\$150,000.00

Date of Transfor:

December 31, 2007

.Confirmation Number:

FED REF.# 1231/1B7036R000543.

Beneficiary Name:

JAMES H COHEN SPECIAL TRUST

Beneficiary Bank:

NATIONAL FINANCIAL SERVICES FINANCIAL

INSTITUTION US

Amount:

\$100,000.00

If the transfer(s) was a distribution from a retirement account. Schwab may have withheld taxes on the distribution, and the transferred amount(s) reflects this.

### Your next steps

Please review the information above. If there are any errors, or if you have any questions regarding this transaction,

(Continued on Next Page)

08-01789-cgm Doc 391 Filed 08/27/09 Entered 08/27/09 15:17:11 Main Document Pg 142 of 190

TAX NO. :

Feb. 09 2009 11:01PM P2

JAN-09-2009 FRI 04:39 PM Four-Leaf Towers

FAX NO. 7135529919

P. 05

please call us at the number above, Monday through Friday, 9:00 a.m. to 8:00 p.m. ET.

Thank you for investing with Schwab. We appreciate your business and look forward to serving you in the future.

Sincerely,

Demitra Charchalis

Demitra Charchalis Margins 9601 E. Panorama Circle Englewood, CO 80112-3441

# **Investment Report**

July 1, 2007 - July 31, 2007

JAMES H COHEN SPECIAL TRUST U/A JAMES H COHEN TRUSTEE Fidelity Accounts Z43-307793 JAMES H COHEN Private Access Account Executive: John Marshall, Team 229

Description	Amount . Balance	Description	Amount	Balance
Beginning Investment Activity	\$151,207.84	Cash Management Activity Checking activity	-150,000.00	
Core account income Subtotal of Investment Activity	\$30.95 \$30,95	Subtotal of Cash Management Activity Ending	- \$150,000.00	\$1,238.79
Investment Activity				
ment .	Description	Quantity	Price per Unit	Transaction Amount
7/31 FIDELITY TAX-FREE MONEY MARKET	Dividend received			\$30.95

	Amount		'ations)
	Code		se with industry regul
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	Check # Date Code		o you in a
	Amount	-\$150,000.00	Money Market @ \$1 per share (the following is provided to you in accordance with industry regulations)
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	Amount	-\$150,000.00	Fidelity Tax-Free
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Cash Management Activity

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# Additional Information About Your Investment Report

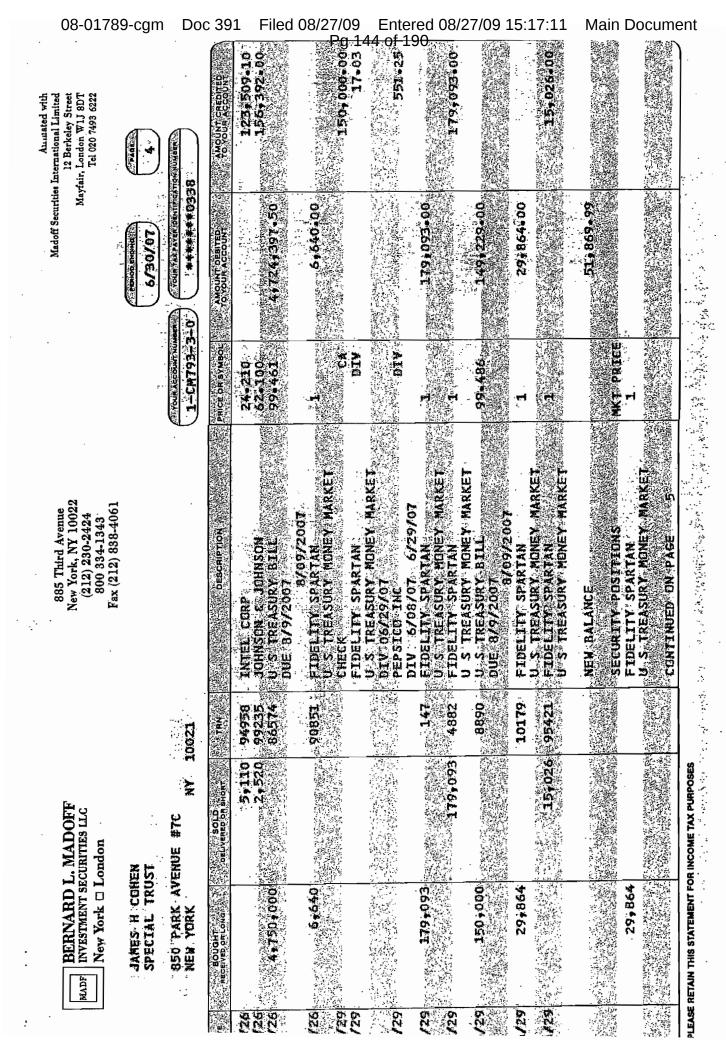
A copy of your Investment Report is available to: ALAN D GARFIELD

BARRY E KAUFMAN

MORRIE K ABRAMSON

Page 2 of 3

04 18 000



December 1, 2007 - December 31, 2007

JAMES H COHEN SPECIAL TRUST U/A JAMES H COHEN TRUSTEE Fidelity Accounts<sup>m</sup> Z43-307793 JAMES H COHEN SP Private Access Account Executive: JAKE MARSHALL, Team 229

Core Account - Fidelity Tax-Free Money Market	oney Market				
Description	Amount	Balance	Description	Amount	Balance
Beginning Investment Activity	€9	\$1,252.32	Cash Management Activity Deposits	225,000,00	
Exchanges in	\$25,000.00		Checking activity	-125,000.00	
Core account income	55.39		Subtotal of Cash Management Activity	\$100,000.00	
Subtotal of Investment Activity	\$25,055,39		Ending		\$126,307.71
Investment Activity					
Settlement Security	Description		Ouentliy	Price per Unit	Transaction Amount
12/31 X07-452009-1	Transferred from	Ē			\$25,000,00
12/31 FIDELITY TAX-FREE MONEY MARKET	Dividend received	/ed			55.39

	Amount Date Description Amount Date Description Amount	00.00 12/26 DEPOSIT RECEIVED 25,000.00 <b>Total</b> \$225,000.00	12/31 WIRE TRANS FROM BANK 1		Amount Check # Date Code Amount Check # Date Code Amount	
			12/31			-\$125.000.00 Total
ts (4)	Description	DEPOSIT RECEIVED	DEPOSIT RECEIVED	Shecking Activity (1)	heck Date Gode	021 12/31
Deposits (4)	Date	12/26	12/26	Check	Check#	1021

Cash Management Activity

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Balance	126,307.71
Amount	55,39
Date	12/31
Balance	\$126,252.32
. Amount	\$125,000.00
Date	12/26



January 1, 2008 - January 31, 2008

JAMES H COHEN SPECIAL TRUST U/A JAMES H COHEN TRUSTEE Private Access Account Executive: JAKE MARSHALL, Team 229 Fidelity Accounts T43-307793

Description	Amoint	111111111111111111111111111111111111111		erreteD
Beginning	\$126,3	Cash Management Activity		
Investment Activity		Checking activity	-100,000.00	
Exchanges out	-\$25,000.00	Subtotal of Cash Management Activity	- \$100,000.00	
Core account income	23,50	Ending		\$1,331.21
Subtotal of Investment Activity	- \$24,976.50			
Investment Activity				
Settlement Security	Description	Attreeno	Price per Unit	Transaction Amount
	Transferred to			-\$25,000.00
1/31 FIDELITY TAX-FREE MONEY MARKET	Dividend received			23.50

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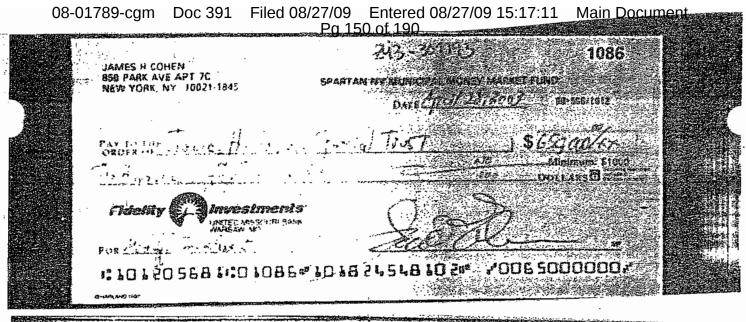
08-01789-cgm Doc 391 Filed 08/27/09 Main Document Pg 147 of 190 501.6 AMOUNT CREDITED TO YOUR ACCOUNT Madoff Securities International Limited 12 Berkeley Street Mayfair, London W1J 8DT Tel 020 7493 6222 ហ 123,891.25 \*\*\*\*\*\*\*0338 5,010.00 1,108,00 78,860.00 AMOUNT DEBITED TO YOUR ACCOUNT 12/31/07 1-CM793-3-0 DIV PRICE OR SYMBOL FIDELITY SPARTAN US TREASURY MONEY MARKET DIV 12/07/07 12/21/07 FIDELITY SPARTAN U S TREASURY MONEY MARKET TRANS TO 40 ACCT FIDELITY SPARTAN U S TREASURY MONEY MARKET U S TREASURY BILL New York, NY 10022 Fax (212) 838-4061 BANK OF AMERICA DIV 12/07/07 12/28/07 U S TREASURY BILL DUE 4/10/2008 885 Third Avenue U.S. TREASURY BILL DUE 04/03/2008 (212) 230-2424 800 334-1343 FIDELITY SPARTAN U.S. TREASURY MONEY M DIV 12/31/07 71798 57569 5 % BERNARD L. MADOFF INVESTMENT SECURITIES LLC #7C New York 

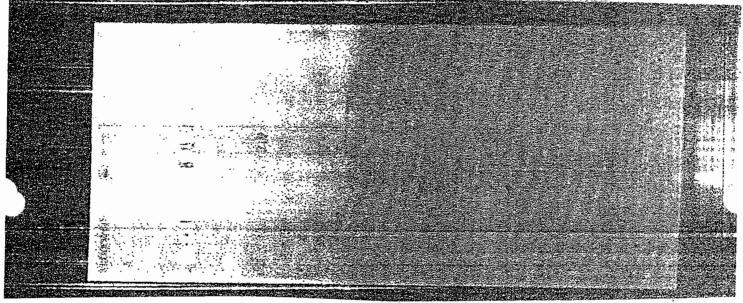
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PLEASE RETAIN THIS STATEMENT FOR INCOME TAX PURPOSES

#### EXHIBIT 7

Investments* Fidelity Brokerage Service	suc en Sprcial Trust	Account Number	30779	3
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ep Initials	11. Margin	We are unable to accept cash.     All deposits may be subject to a seven business day of		
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Dally Additions and Subtractions (Fidelity Tax-Free Money Market (the following)s provided to you in accordance with industry regulations). 

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**Investment Report** 

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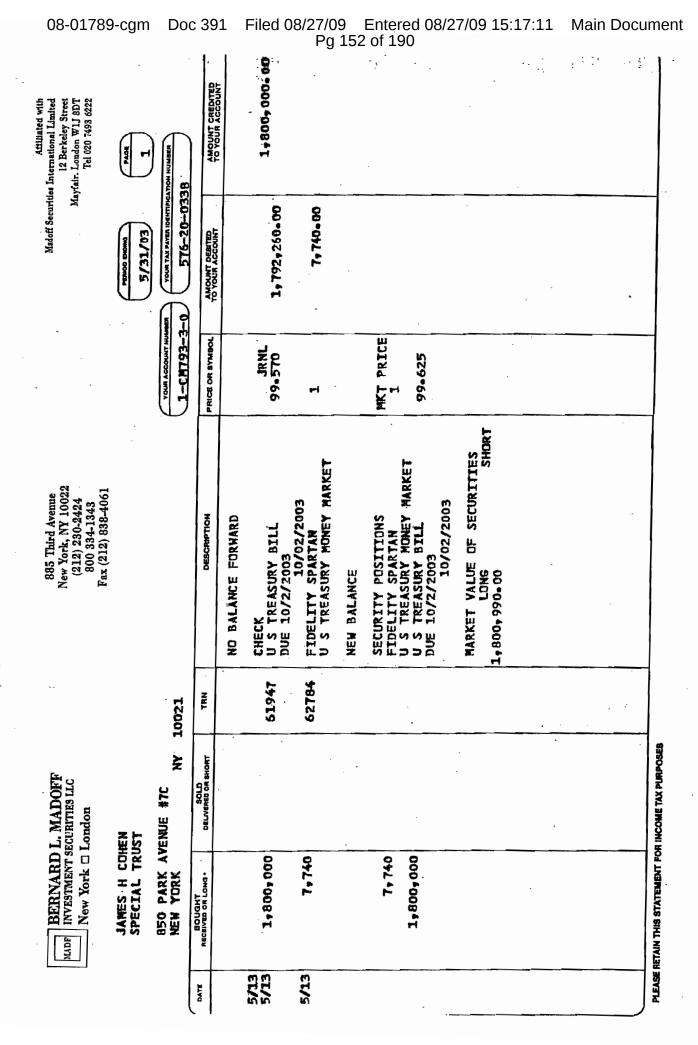
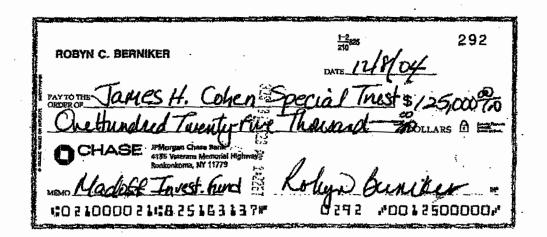


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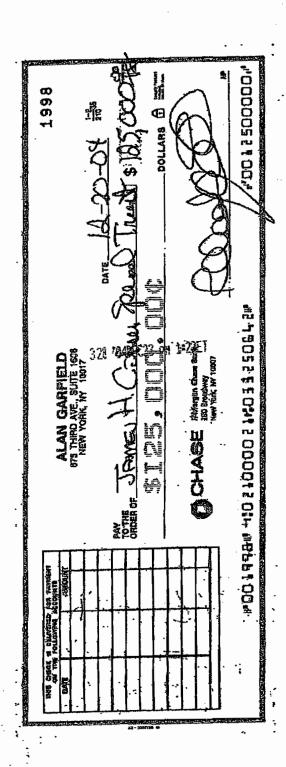
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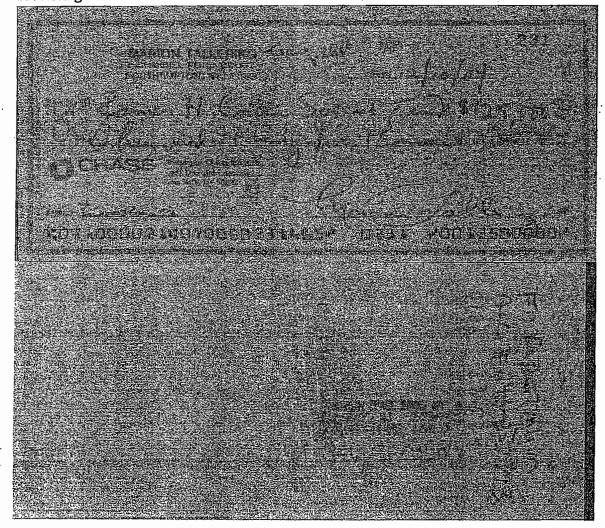


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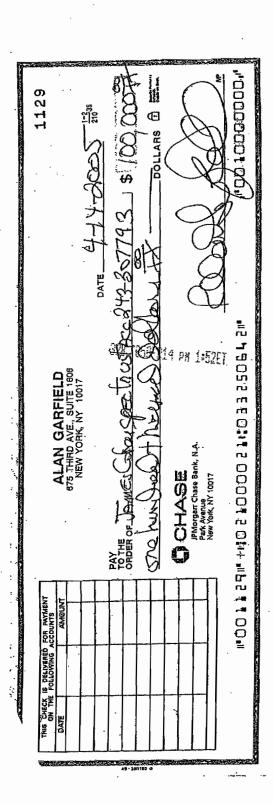
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Madoff Securities I	12/31/04	0 576-20-0338	AMOUNT DEBITED TO YOUR ACCOUNT	15,617.00	1,292,148.00	1,291,368.00	10,715,00						
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885 Third Avenue New York, NY 10022 (212) 230-2424 800 334-1343 Fax (212) 838-4061			DESCRIPTION	K TO 40 ACCT ELITY SPARTAN	U S TREASURY BILL DUE 04/07/2005	4/07/2005 U S TREASURY BILL DUE 4/14/2005	FIDELITY SPARTAN U S TREASURY MONEY MARKET	NEW BALANCE	ECO	U S TREASURY MUNEY MARKET U S TREASURY BILL DUE 04/07/2005	4/01/2005 U S TREASURY BILL DUE 4/14/2005 4/14/2005	MARKET VALUE OF SECURITIES LONG SHORT 2,594,231.00	
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#### EXHIBIT 9



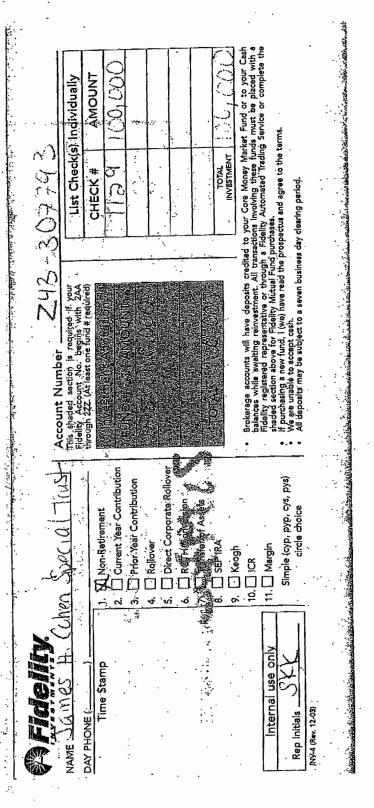
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April 30, 2005	JENISPECIALITRUSTIUAJAMES HECOHEN TRUSTEE TOTATION TO THE TOTAL TO	Descripion  Checking activity.  Subtotat of Cash Management Activity.  Ending:	Quantity Price post Unit \$228.16	Amount: Amount	300,000,00	236-231	Wharker © \$1 per share (the following) siprovided to you in accordance with housing regulations).  Amount Balance Date Carlos Amount Balance State Section Balance Balance Balance Balance Balance Balance Balance Balance Balance	
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Affiliated with Madoff Securities International Limited 12 Berkeley Street Mayfair, London WIJ 8DT Tel 020 7493 6222	PAGA 2	TON NUMBER.	AMOUNT CREDITED TO YOUR ACCOUNT	1,285.24		165 of 1	30				整治等人,	
Madoff Securities Int Mayfair,	4/30/05	YOUR TAX PAYEN IDENTIFICATION HUMBER	AMOUNT DEBITED TO YOUR ACCOUNT		1,280-00	3,174-00			を できない (1)			
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885 Third Avenue New York, NY 10022 (212) 230-2424 800 334-1343 Fax (212) 838-4061			DESCRIPTION	GENERAL ELECTRIC CO DIN 2/28/05 4/25/05 CHECK	DUE 06	FIDELITY SPARTAN U.S. TREASURY MONEY NEW BALANCE	SECURI FIDEL U.S. TH	DUE 05/02/2005 0'S TREASURY BILL DUE 06/09/2005	MARKET	3,058,137-75		
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L. MADOFF CURITES LLC London	ST	ENUE #7C NY	SOLD SHORT									OR INCOME TAX PURPO
MAD INVESTMENT SECURITIES LLC New York   London	JAMES H COHEN SPECIAL TRUST	850 PARK.AVENUE NEW YORK	BOUGHT RECEIVED OR LONG			3,174	16-729	1,775,000				PLEASE RETAIN THIS STATEMENT FOR INCOME TAX PURPOSES
<u>-,</u> 1			OATE	4725	27.	<b>*/</b> 29						PLEASE

	THIS CHECK IS DELIVERED FOR PRIMERY ON THE FOLLOWING ACCOUNTS  DATE  ABIOENT	1138
THE PERSON NAMED IN	FILE	675 THIRD AVE, SUITE 1696 NEW YORK, NY 10017  DATE: 12-13-2006 1-2007
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Account Number

This shaded section is required if your Fidelity Account No. begins with 2AA through 2ZZ. (At least one fund if required) Investment Allocation AMOUNT FUND#

List Check(s	) Individually
CHECK #	AMOUNT
1138	100,000
	·
TOTAL INVESTMENT	100,000

- Brokerage accounts will have deposits credited to your Core Money Market Fund, or to your Core balances while awaiting reinvestment. All transactions involving these funds must be placed with Fidelity registered representative or through a Fidelity Automated Trading Service or complete shaded section above for Fidelity Mutual Fund purchases.

  If purchasing a new fund, I (we) have read the prospectus and agree to the terms. We are unable to accept cash. All deposits may be subject to a four business day clearing period.



December 1, 2006 - December 31, 2006

JAMES H.COHEN SPECIAL TRUST

JAMES H COHEN

NEW YORK NY 10021-1845

850 PARK AVE # 7C

JAMES H COHEN SPECIAL TRUST U/A JAMES H COHEN TRUSTEE Private Access Account Executive: John Marshall, Team 229 Fidelity Accounts = Z43-307793

Account Summery	Income Summary	
Beginning value as of Dec 1 \$1,047,96	This Period	
Additions 200.00	* ** ** ** ** ** ** ** ** ** ** ** ** *	
	Dividends \$173,84 \$304.84	
Ending value as of Dec 31 \$204,421.80	· () () () () () () () () () () () () ()	我 全性學等
Your commission schedule	19、1000年10、19、10、19、10、19、10、19、10、19、10、19、10、19、10、19、10、19、10、10、10、10、10、10、10、10、10、10、10、10、10 (1)、10、10、10、10、10、10、10、10、10、10、10、10、10、	
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Dec 2006	物質が発すっていることが、対していた。 アンド・スタン・スタング とうじゅうこう アンフェミン・ジェック かいしょう かいかい かいかい かいかい アンド・スタン・スタン・スタン・スタン・スタン・スタン・スタン・スタン・スタン・スタン	
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Core Account 100% of holdings	大学の関係のでき、大学のでは、表示に対しています。 アンドラン はほんき はない かんしゅぎ アンドラン・ファン・ディング かいかい かいかい かいかい かいかい かいかい アンドラン・アンドアン・アンドアン・アンドアン・アンドアン・アンドアン・アンドアン・アンドアン・アンドアン・アン・アン・アン・アン・アン・アン・アン・アン・アン・アン・アン・アン・ア	
CINELITY TAX FEET MONEY MARKET (EMOXY)	7-day vield: 3 46% \$1,000	\$1.047.96

(for holdings with activity this period) **Transaction Details** 

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Page 1 of 3

\$204,421.80

204,421.80

### **Investment Report**

December 1, 2006 - December 31, 2006

JAMES H COHEN SPECIAL TRUST U/A JAMES H COHEN TRUSTEE Private Access Account Executive: John Marshall, Team 229 Fidelity Accountsm 243-307793

Core Account - Fidelity Tax-Free Money Market	Money Market		
Description	Amount Balance	Description	Amount
Beginning	\$1,047.96	Cash Management Activity	
Investment Activity		٨.	203,200.00
Core account income	\$173.84	Subtotal of Cash Management Activity \$20	13,200.00
Subtotal of Investment Activity	\$173,84	Ending	\$204,421.80
Investment Activity			
Settlement Date Security	Description	Vinantity	Price per Unit Transaction Amount
12/29 FIDELITY TAX-FREE	Dividend received		
MONEY MARKET			
Cash Management Activity			

							-,		
Cash Management Activity									
				· ·				:	
Deposits (2)									
Date Description	Amount	Date	Description		Amount	Date	Description	:: ' • .	Amount
12/18 DEPOSIT RECEIVED	\$100,000.00	12/26	DEPOSIT RECEIVED	/ED	103,200.00	Total			\$203,200.00
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Total Value January 31, 2007

Total Value January 1, 2007

Price per Unit January 31, 2007

Quantity January 31, 2007

\$1,263.77

\$204,421.80

\$1.000

1,263,770

7-day yield: 3.22%

FIDELITY TAX-FREE MONEY MARKET (FMOXX)

Holdings (Symbol) as of January 31, 2007 Core Account 100% of holdings



Envelope 235119993

JAMES H COHEN SPECIAL TRUST

850 PARK AVE # 70 NEW YORK NY 10021-1845

### **Investment Report**

January 1, 2007 - January 31, 2007

800-544-5555 800-544-5704 Online FAST(sm)-Automated Telephone Private Access

Fidelity.com

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JAMES H COHEN SPECIAL TRUST U/A JAMES H COHEN TRUSTEE Fidelity Accounts 743-307793

Private Access Account Executive: John Marshall, Team 229

Account Summary		Income Summary	<b>A</b>		
Beginning value as of Jan 1	\$204,421.80		This Period	Year to Date	
Withdrawals	-203,200.00	Tax-exempt			
Change in investment value	41.97	Dividends	\$41.97	\$41.97	
Ending value as of Jan 31	\$1,263.77				
Your commission schedule	Gold				
Account eligible trades from Feb 2006 -	0.	-			
Jan 2007		-		 	

(for holdings with activity this period) **Transaction Details** 

Page 1 of 3

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January 1, 2007 - January 31, 2007

(Private )

JAMES H COHEN SPECIAL TRUST U/A JAMES H COHEN TRUSTEE Private Access Account Executive: John Marshall, Team 229 Fidelity Accounts T 243-307793

Description Beginning	ioumil forom on the first the same of the							
Seginning	∢	hmount	Balance	Description			Amount	Balance
Investment Activity		<del>UŠ</del>	\$204,421.80	<i>Cash Mar</i> Checkin	Cash Management Activity Checking activity		-203,200.00	.ñ
Core account income	\$4	\$41.97		Subi	total of Cash Man	Subtotal of Cash Management Activity	- \$203,200.00	
Subtotal of Investment Activity	\$4	\$41.97		Ending			į	\$1,263.77
Investment Activity						.:		
Settlement Date Security		Description				Quantity	Price per Unit	Transaction Amount
1/3-1 FIDELITY TAX-FREE MONEY MARKËT		Dividend received	eived				· · · .	\$41.97
Cash Management Activity								
Checking Activity (1)								
Check # Date Code	Amount	Check # Date	te Code		Amount	Check# Date	Code	Amount
1018 1/02	-\$203,200.00	Total			-\$203,200.00			<u>.</u> ·
Dally Additions and Subtractions Fidelity Tax-Fre	Fidellty Tax-Fre	e Money, Mark	ket @ \$1 per si	hare (the follow	ving is provided to	you in accordanc	சு Money. Market @ \$1 per share (the following is provided to you in accordance with industry regulations)	lations)
Date	Balance	Date		Amount	Balance	Date	Amount	Balance
1/02 -\$203,200.00	\$1,221,80	1/31		41.97	1,263.77	·		•

# Additional Information About Your Investment Report

BARRY E KAUFMAN

A copy of your Investment Report is available to: ALAN D GARFIELD

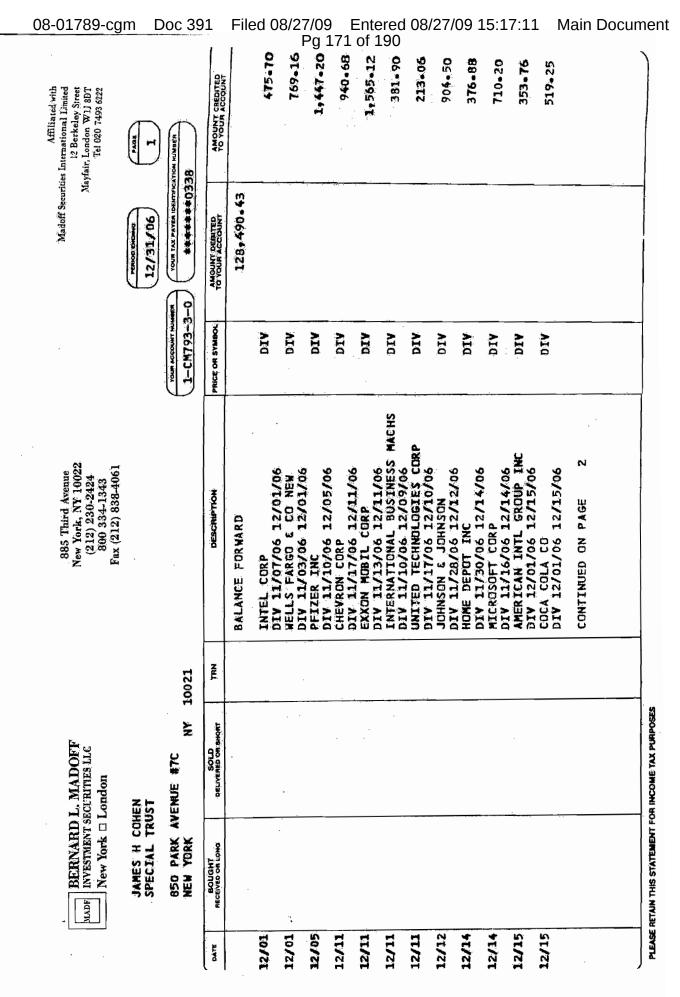
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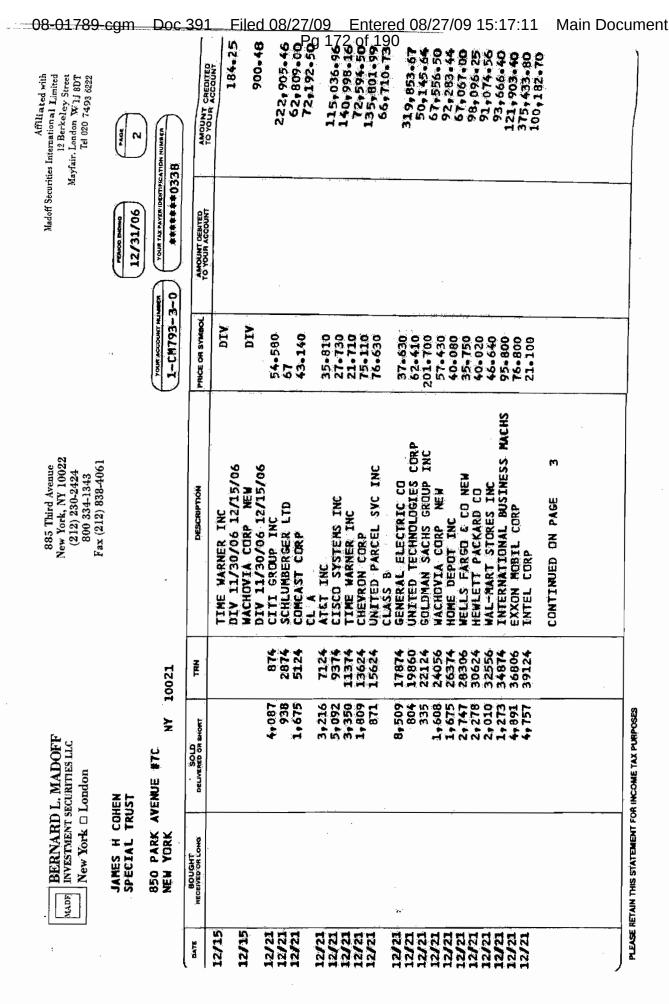
Page 2 of 3

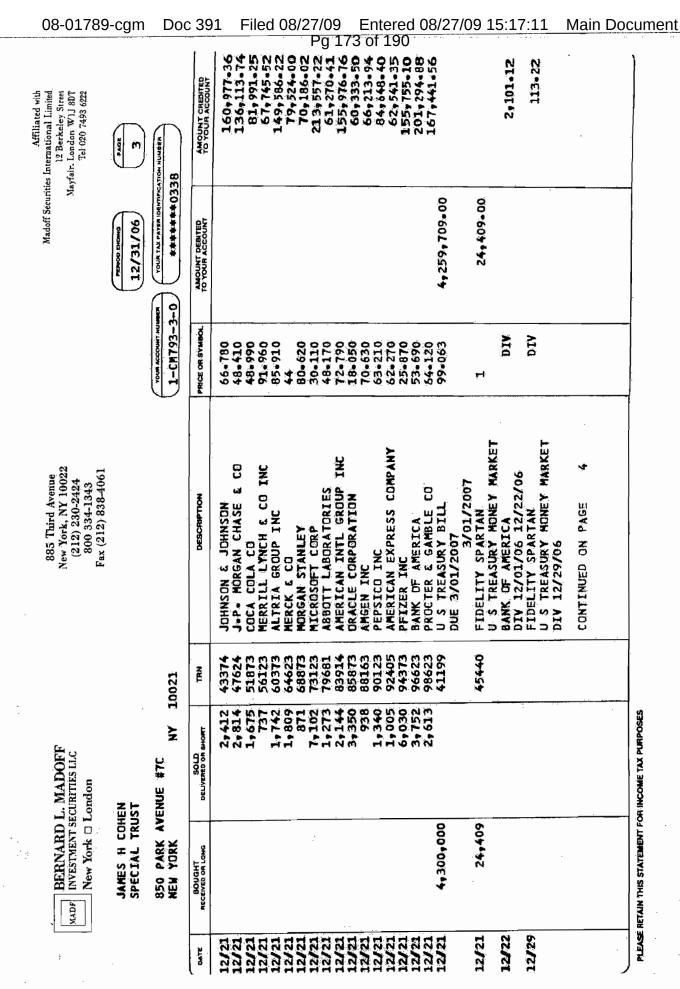
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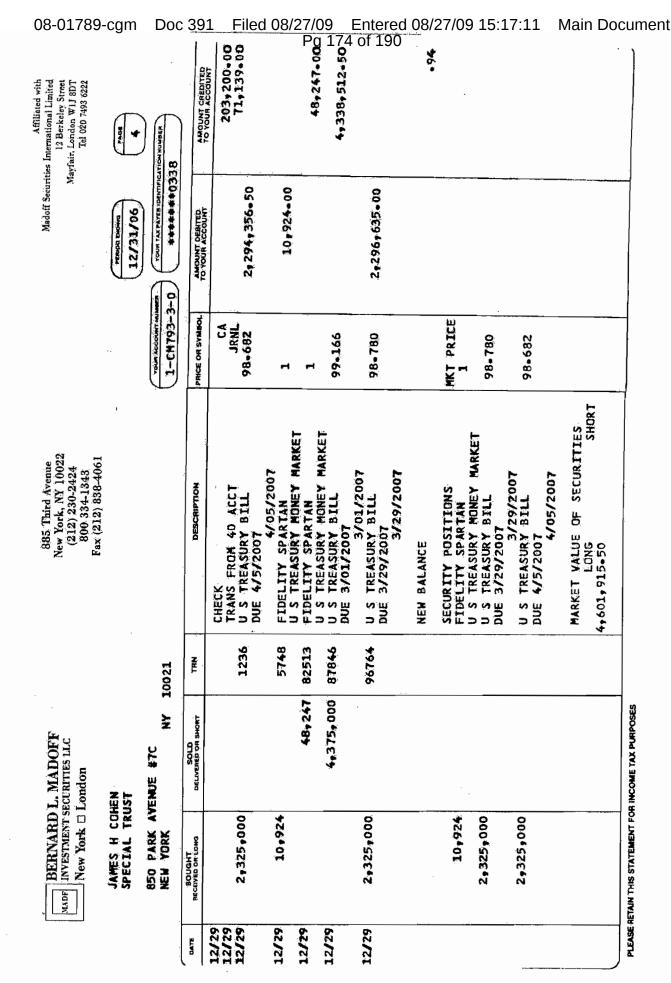
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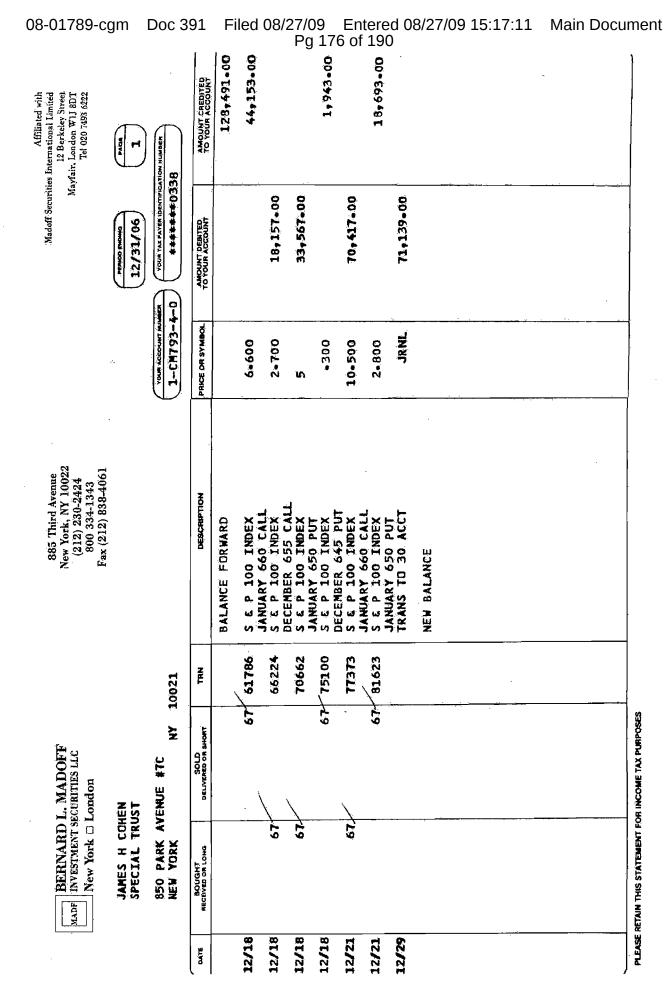








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Affiliated with Madoff Securities International Limited 12 Berkeley Street Mayfair. London Will 8DT Tel 020 7493 6222	FA68A	сатіон нимеєя 338	AMOUNT CREDITED TO YOUR ACCOUNT		75,062,22 36,899,212,22	Pg 17	'5 of 19					
Madoff Securi M	12/31/06	-0 COUNTY PAYEN IDENTIFICATION NUMBER -0 CASCACCE CASCACCE	AMOUNT DEBITED TO YOUR ACCOUNT	i i								
		1-CM793-3-0	PRICE OR SYMBOL		<del>dylan avys</del>		-					
885 Third Avenue New York, NY 10022 (212) 230-2424 800 334-1343 Fax (212) 838-4061			DESCRETION	YEAR-TO-DATE SUMMARY	DIVIDENDS GROSS PROCEEDS FROM SALES							
		10021	TRN									
BERNARD L. MADOFF INVESTMENT SECURITIES LLC New York 🗆 London	HEN	AVENUE #70 NY 3	SOLD DELIVERED OR SHORT								·	PLEASE RETAIN THIS STATEMENT FOR INCOME TAX PURPOSES
BERNARD L. MAI INVESTMENT SECURITIE	JAMES H COHEN SPECIAL TRUST	850 PARK AN	BOUGHT RECEIVED OR LONG									E RETAIN THIS STATEMENT F
			DATE						,			PLEAS



#### EXHIBIT 10

06/22/2005 15:24

5166925863

BERNIKER

PAGE 01

June 23, 2005

Att: Jim Cohen

Please find enclosed, copies of the checks and deposit slip for the additional investment which I made today, June 23, 2002. I deposited two \$100,000.00 checks (\$200,000.00) into the "James H. Cohen Special Trust". Fidelity Acct. # Z43-307793. Thank you,

Robyn Berniker 516-692-5862

Pages including cover:4

05/22/2005 15:24 5166925863	BERNIKER	PAGE 02
<b>Fidelity</b>	Z43-3	307793
ME JAMES H. COHEN SPECIAL YPHONE() TRUST	Account Number This shaded section is required if your Fidelity Account No. begins with 2AA through 2ZZ. (At least one fund if required)	List Check(s) Individually
Time Stamp 1. LICR	Investment Allocation	CHECK # AMOUNT
2. Margin	FUND # AMOUNT	100,000 -
3. Non-Retirement 4. Current Year Contribution	POND # ANIOUNE	100,000-
5, Prior Year Contribution		
6.		
118 '95JUN23PM 2=8ZET 8. ROTH Conversion		
9. Transfer of Assets	TOTAL	TOTAL 200
10. L SEP IRA	Brokerage accounts will have deposits cradited to	INVESTMENT 1200, OBO
12. SE 401(N) Employer	balances while awaiting reinvestment. All transacti Fidelity registered representative or through a Fidelity	ons involving these funds must be placed with a
internal use only (Keogh)  A7 M 13.	shaded section above for Fidelity Mutual Fund purd • If purchasing a new fund, I (we) have read the prosp	nates.
Rep Initials (CYP or PYP) circle choice	<ul> <li>We are unaffic to accept cash.</li> <li>All deposits may be subject to a seven business day</li> </ul>	dearing period.
4-3 (Rev. 11/04)		•
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THE FACE OF THIS CHECK HAS A SECURITY VO	ID BACKGROUND PATTERN - DO NOT CASH IF THE	WORD VOID IS VISIBLE
	743.3-	793 0020903884
JPMorgan Chase Bank Buffalo, NY 14202	CHASE 198	
	Date AUNE 2	3.2006
REMITTER		
Pay to the ROBYN Q. BERNIKER		100,000,00
order of ROBTAGE BERNHALT		No. of Market and American
Amount ONE HUNDRED THOUSAND DOLLARS AN	DONCENTS	U.S. Dollars
CASHIER'S CHECK		Stiphen & Sughes
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ai.		
Pay to the order of ROBYN C, BERNIKER	\$	00,000.00
. Q		
Amount ONE HUNDRED THOUSAND DOLLARS AND	000 CENTS	U.S. Dollars
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CASHIER'S CHECK	Authorized Signature	Stephen F. Hughes

ORIGINAL CHECK HAS AN ARTIFICIAL WATERMARK ON REVERSE SIDE - HOLD AT AN ANGLE TO VIEW

08-01789-cgm Doc 391 Filed 08/27/09 Entered 08/27/09 15:17:11 Main Document Pg 180 of 190

06/22/2005 15:24 5166925863	BERNIKER PAGE 03
ONE TRANSACTION PER FORM	One-Time Letter of Instruction
118 '05JUH23pm 2=12 ET	
1 CUSTOMER INFORMATION	
James H. Conen Space	57-6200338
ame of Owner (or Trust/Business/Custodian)	Social Security or TIN
o-Owner (or Trustee/Authorized Person)	Social Security or TIN
count Number: 243-367793	
2 PARTIAL ACCOUNT TRANSFER	
ollar Amount \$	OR the following Securities:
Security Name	Symbol Quantity
o Account Number	Receiving Account Registration
31	
3 DEPOSITORY TRUST COMPANY (DTC) TRA	MSPER .
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	Pacstrang Firm's Account Number
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08-01789-cgm Doc 391 Filed 08/27/09 Entered 08/27/09 15:17:11 Main Document Pg 181 of 190

PAGE 04 BERNIKER 06/22/2005 15:24 5166925863 OTHER REQUEST SIGNATURE I (We), the undersigned, hereby authorize National Financial Services LLC, Fidelity Brokerage Services LLC, Fidelity Management Trust Company, Fidelity Service Company, Fidelity Distributors Corporation and their affiliates, control persons, officers, directors, successors, assigns and employees (collectively "Fidelity") to act on the instructions denoted above on the indicated account. I (We) agree that Fidelity shall not be liable for any losses. liabilities, claims and costs (including reasonable attorneys' fees) resulting from transactions made in accordance with the instructions stated above. SIGNATURE OF OWNER SIGNATURE OF CO-OWNER

or Trust Accounts:

(OR TRUST/BUSINESS/CUSTODIAN)

By signing above as trustee, I certify that I have the power and authority under the trust agreement and applicable law to enter into all transactions, including purchases, sales, and exchanges and redemptions of mutual funds, and deliver any documents necessary to open and maintain accounts on behalf of the trust.

(OR TRUSTEE/AUTHORIZED PERSON)



Fidelity Distributors Corporation
Fidelity Brokerage Services LLC. Member NYSE, SIPC
Fidelity Investments is a registered trademark of FMR Corp.

Date



ECIAL TRUSTIUA JAMES H COHENTRUSTEE  Barnes  Subtotal of Investment Activity  Coash Management Activity  Ending  Coash Management Activity  Ending  477 800  477 800  Coash Management Activity  Ending  Coash Management Activity  Ending  Coash Management Activity  Ending  A77 800  Coash Management Activity  Coash Management Activity  A77 800  Coash Management Activity  Coash Management Activity  A77 800  Coash Management Activity  Coash Management Activity  Coash Management Activity  A77 800  Coash Management Activity  A77 800  A77 800  Coash Management Activity  A77 800  Coash Management Activity  Coash Manag	TUTALE THESE  ILLY ACCOUNTENCING JOHN MACCOUNT FIGHTY TAX-FEER MONEY MACCOUNTENCING FEER FEER MONEY MACCOUNTENCING FEER FEER FEER FEER FEER FEER FEER FEE				
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#### EXHIBIT 11

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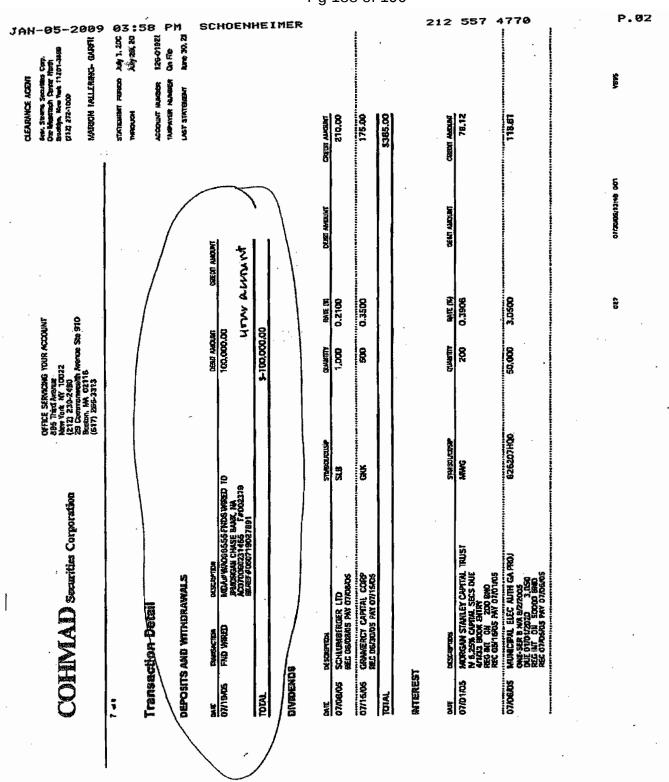
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U.S. TREASURY MONEY MARKET
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PEPSICO INC
DIV 6/10/05 6/30/05 AMERICAN EXPRESS COMPANY U.S. TREASURY BILL DUE 9/29/2005 New York, NY 10022 PROCIER & GAMBLE CO COMCAST CORP Fax (212) 838-4061 885 Third Avenue (212) 230-2424 800 334-1343 ...... BANK OF AMERICA PFIZER INC CITI GROUP INC DUE 9/22/2005 86929 89515 91205 93791 95481 98067 76605 THN 10021 810 1,134 2,700 4,958 3,510 1,458 PLEASE RETAIN THIS STATEMENT FOR INCOME TAX PURPOSES ž SHORT BERNARD L. MADOFF INVESTMENT SECURITIES LLC SOLD #7C New York 

London AVENUE JAMES H COHEN SPECIAL TRUST 400,000 1,550,000 1,550,000 850 PARK NEW YORK RECEIVED OR LONG MADF 6/29 5/28 5/28 5/28 5/28 5/28 5/28 6/28 DATE